

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53735 of 2023

Arising Out of PS. Case No.-195 Year-2023 Thana- MAGADH UNIVERSITY District- Gaya

Dharmendra Kumar Son Of Ramparvesh Das Resident Of Village Mahugai
P.S Dhangai District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 11.06.2023, in connection with Magadh University P.S. Case No. 195 of 2023, F.I.R. dated 10.06.2023 registered for the offences punishable under Sections 414, 420, 467, 468, 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 8.25 litres of *illicit liquor*.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 8.250 litres of illicit liquor has been recovered from the motorcycle in question and



the petitioner is not the owner of the motorcycle in question. He further submits that one Dinesh Kumar is the owner of the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the petitioner is in custody since 11.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Magadh University P.S. Case No. 195 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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