

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58712 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- GORAUL District- Vaishali

Dharmendra Rai @ Gas Rai @ Dharmendra Kumar Son of Ram Sagar Rai @
Sagar Rai R/V- Mathnamal, P.S- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

Recovery is of total 1566 liters of foreign liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the recovery has been
made from the vehicle in question and not from petitioner's
possession. He further submits that petitioner has no concern at
all with the alleged recovery of illicit liquor or the vehicle in



question. He further submits that the name of the petitioner has been transpired on the basis suspicion and petitioner was not apprehended at the spot. The petitioner is in custody since 06.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of suspicion and petitioner was not apprehended at spot, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Goraul P.S. Case No. 294 of 2021, 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 witnesses, 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 antecedent, 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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