

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58787 of 2023

Arising Out of PS. Case No.-262 Year-2023 Thana- PHULWARIYA District- Gopalganj

Dhananjay Kumar Son Of Sri Sanjivan Rai @ Ram Sajivan Rai Resident Of
Village- Gyaspur Mahaji, Ps- Salimpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 24.07.2023 in connection with Phulwariya P.S. Case No. 262 of 2023, F.I.R. dated 23.07.2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of 490.44 liters of foreign made liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question and the



petitioner along with other accused persons were apprehended with the illicit liquor and the vehicle in question. He further submits that the petitioner is neither the owner nor the driver of the vehicle in question and he has no concern at all with the alleged recovery of the illicit liquor. He further submits that the similarly situated co-accused, namely, Vinod Rai has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 01.09.2023 passed in Cr. Misc. No. 58091 of 2023. The petitioner is in custody since 24.07.2023.

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

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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 Additional Sessions Judge II cum Special Judge I, Gopalganj in connection with Phulwariya P.S. Case No. 262 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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