

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60855 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

Dharmendra Bind, Son of Kutaru Bind @ Akalu Bind, Resident of Village-
Masoi, P.S.- Chainpur, Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-12-2023 Heard Mr. Rajani Kant Pandey, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Chainpur P.S. Case No. 200 of 2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information regarding trade of illicit liquor conducted raid and in course of search recovered 1.875 litres of Indian made foreign liquor from a house situated near *Amaraa* tree.

4. It is submitted on behalf of the petitioner that from the seizure list, it is evident that the alleged recovery has been made from an abandoned house, situated near *Amraa* tree,



which does not belong to the petitioner. However, only on account of the fact that the petitioner is carrying five criminal antecedent of identical nature, his name has been implicated in this case. He thus submits that it is the high handedness on the part of the police officials that in case of any recovery of illicit liquor in the nearby area, the name of the petitioner is being implicated in such case. He next submits that the name of the petitioner has surfaced only on the disclosure made by the local Chaukidar. That apart, the witnesses to the seizure list are non-else, but the police personnel. He lastly submits that the petitioner is on bail in all the five cases.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an abandoned house, which does not belong to the petitioner, moreover the criminal antecedent of a person cannot be a sole ground to reject the prayer of anticipatory bail, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) No.1-cum-Additional Sessions Judge-IV, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 200 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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