

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62847 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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DINESH KUMAR SAH @ DINESH MASTER @ SIR JEE @ MASTER
JEE Son of Late Ram Narayan Sah Resident of village- Kariyaut, P.S-
Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sadar P.S.
Case No. 270 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery of
288 liters nepali liquor from five vehicles in question.
Apprehended persons disclosed the name of present petitioner
who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.07.2022. Petitioner bears three
criminal antecedents of similar nature. Charge sheet has already



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is not apprehended on spot. Petitioner is innocent and has falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge 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 Judge – I, (Excise Act), Darbhanga in connection with Sadar P.S. Case No. 270 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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