

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60565 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MANIYARI District- Muzaffarpur

Dharmendra Rai @ Gaus Rai @ Dharmendra Ray, male, aged about 32 years,
Son of Ram Sagar Rai Resident of Village- Badhi Chauk Mathna Mal, P.S.-
Goroul, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Nilendu Kumar Choudhary, Adv.
For the State	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Maniyari P. S. Case
No. 52 of 2022, registered for the offence punishable under Sections
420 467, 468, 471, 120(B) and 34 of the Indian Penal Code and
Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise
Amendment Act, 2018.

1916.250 liters of foreign liquor has been recovered from a
truck. The petitioner's name has been stated by the driver by stating
that his mobile number was given to him.

Learned counsel for the petitioner submits that having no
antecedents, the petitioner is in custody since 17.8.2022. As per
prosecution case, he was not present at the time of recovery nor there
is any recovery of illicit liquor from him. The driver, who has stated
the petitioner's name, has been allowed bail in Cr. Misc. No. 26662 of



2022 by a Co-ordinate Bench of this Court.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Special Judge (Excise Act), Court No. II, Muzaffarpur in connection with Maniyari P. S. Case No. 52 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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