

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76705 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- SARSI District- Purnia

=====

DINESH KUREL SON OF LATE HARADHAN KUREL RESIDENT OF
VILLAGE - CHHOTA LARWAHI, KACHHARI BALUA WARD NO.5, P.S.
- SARSI, DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Ram Anurag Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sarsi
P.S. Case No. 177/2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that 14 litre
country made liquor was recovered from the house of the
petitioner and petitioner apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that no incriminating article has been
recovered from conscious possession of the petitioner. The



alleged recovery has been made from joint house of the petitioner and portion of the house where recovery is made does not belong to the petitioner rather the same is in possession of other co-sharer of petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner bears two criminal antecedents in which he is on bail. Petitioner is in custody since 04.09.2023. Learned counsel has orally submitted that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 (Excise-1), Purnea in connection with Sarsi P.S. Case No. 177/2023, subject to the 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)

asmit/-

U		T	
---	--	---	--

