

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75273 of 2023

Arising Out of PS. Case No.-433 Year-2020 Thana- WARISLIGANJ District- Nawada

=====

DHARMENDRA RAUT@ DHARMENDRA KUMAR S/O BHUDHA
RAUT @ SURENDRA RAUT VILLAGE- KOCHGAON, PS.
WARISALIGANJ, DIST. NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Akbar Ali

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Warisaliganj P.S. Case No. 433 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per seizure list, 489.270 litre illicit liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Petitioner is in custody since 06.09.2023 and bears criminal antecedent of two cases in which he is on bail. He further submits that petitioner is not



apprehended on the spot and no incriminating article has been recovered from his conscious possession. The place of recovery is abandon place which is accessible to all. Petitioner has no knowledge regarding the alleged recovery. There is no compliance of Section 100 of the Cr.P.C. There is no allegation of tampering the witnesses against the petitioner. Co-accused Bambam Jha, on similar and identical allegation, has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 63646 of 2021 and on the principle of parity petitioner deserves bail.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused on similar and identical allegation has already been granted anticipatory bail, 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 Excise Judge-IIInd, Nawada in connection with Warisaliganj P.S. Case No. 433 of 2020, 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)

shahzad/-

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

