

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 73403 of 2022**

Arising Out of PS. Case No.-419 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Madhepura

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Dinesh Murmu S/O Mangal Murmu Resident of Village- Jorgama, West,  
Ward No- 02, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate  
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since  
05.11.2022, in connection with Excise P.S. Case No. 419 of  
2020-21, F.I.R. dated 19.03.2021 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition &  
Excise Act, 2018.

Recovery is of 195 litres of illegal *Chullai* liquor.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has been falsely  
implicated in the present case. He further submits that it  
appears from the F.I.R. as well as seizure list that nothing has  
been recovered from the conscious possession or the house of



the petitioner rather recovery has been made from the bank of river. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedents, 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 Additional Sessions Judge-VII-cum-Special Judge, Excise-II, Madhepura in connection with Excise P.S. Case No. 419 of 2020-21, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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