

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72962 of 2022

Arising Out of PS. Case No.-381 Year-2022 Thana- PATORI District- Samastipur

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DHARMENDRA KUMAR Son of Ram Chandra Rai R/o Utari Dumri, P.S.-
Patori, (OP Mohanpur), District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Ms.Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-02-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with
Patori PS case no. 381 of 2022 instituted for the offences punishable
under Sections 272, 273/34 of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise Act, 2022.

The allegation is regarding recovery of 475.56 liters
of illicit liquor from a pick-up van and the name of the petitioner has
transpired in the present case upon the co-villagers having disclosed
about the complicity of the petitioner in the alleged crime.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the present
case, he is having a clean antecedent and is languishing in custody
since 03.11.2022. The learned counsel for the petitioner has referred
to paragraph no. 10 of the present petition to submit that the seized



vehicle does not belong to the petitioner and merely on the basis of disclosure made by the villagers to the effect that the petitioner is having complicity in the matter, the petitioner has been falsely implicated in the present case. It is also submitted that neither the petitioner has been arrested from the spot nor illicit liquor has been recovered from his conscious possession.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor illicit liquor has been recovered from his conscious possession, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise Court no. 2, Samastipur in connection with Patori PS case no. 381 of 2022.

(Mohit Kumar Shah, J)

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