

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4250 of 2024

Arising Out of PS. Case No.-337 Year-2023 Thana- KOCHAS District- Rohtas

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Dharmendra Chauhan Son Of Radheshyam Chauhan @ Radheshyam
Chaudhari Resident Of Village - Kochas, Ward No.1, P.S. - Kochas, District -
Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Babu Nandan Prasad, learned counsel for
the petitioner learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kochas P.S. Case No. 337 of 2023 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

3. The allegation against the petitioner is of indulge in
transportation of illicit Indian Made Foreign Liquor. The police
on the aforesaid information, tried to intercept a black colour
motorcycle, the rider of which was carrying a black colour bag.
However, noticing the police party, the person succeeded in
fleeing away leaving the motorcycle and the bag. On search,
total 48.600 liters of Indian Made Foreign Liquor was



recovered.

4. Learned counsel for the petitioner, submits that the petitioner has neither any concern with the motorcycle in question nor with the alleged recovered illicit wine. Only because of the past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case. Moreover, the identification of the petitioner has been made by Mahal Chowkidar, which appears to be doubtful. He further submits that there are other infirmities in the search and seizure, apart from non-compliance of Section 100 CrPC. He next submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State, opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has no concern with the motorcycle in question nor there is any other material suggesting the complicity of the petitioner, barring the identification by the Mahal Chowkidar, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court no.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S. Case No. 337 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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