

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79109 of 2024

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

Dharamvir Yadav Son of Bipin Yadav Resident of Village - Pingara, P.S.-
Beldaur, District- Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-12-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Malaypur P.S. Case No. 58 of 2021 (G.R. No.1044 of 2021)
lodged on 09.04.2021, for the offences punishable under
Sections 272, 273 & 34 of the Indian Penal Code read with
sections 30(a), 36 & 41(1) of the Bihar Prohibition and Excise
Act.

3. As per the prosecution, FIR has been lodged against
24 named accused persons excluding the present petitioner.
Total recovery of 90 litres of wine has been made from Maruti
Suzuki car which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that four persons were sitting in the alleged vehicle and



they were apprehended by the police and those four persons disclosed the name of 11 accused persons. Counsel submits that petitioner's name is neither in the said four persons who were apprehended by the police nor in 11 persons who were disclosed by those four apprehended persons. But, during further investigation, one of the mobile number was recovered and from the CDR linkage, the name of other accused persons has come in which petitioner's name has been figured. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are six criminal cases pending against him. But, basically, it is five cases because, Malaypur P.S. Case No.57 of 2021 and the present case has been intentionally bifurcated into two different police case. The petitioner is in custody since 28.06.2024. Counsel submits that in the present case, petitioner's name has not figured even remotely and on the basis of allegations, offence of Excise Act has not made out against him.

5. Learned Counsel for the petitioner further submits that two of the accused persons who were apprehended from the vehicle has been granted bail by this Court *vide* order dated 04.11.2022 passed in Cr. Misc. Nos.47493 of 2022 & 57747 of 2022.



6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Excise Court-I, Jamui in connection with Malaypur P.S. Case No. 58 of 2021 (G.R. No.1044 of 2021), subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. Pending cases against the petitioner are as follows:-

- Beldaur P.S. Case No.93 of 2021
- Beldaur P.S. Case No.30 of 2022
- Beldaur P.S. Case No.219 of 2020
- Beldaur P.S. Case No.61 of 2022
- Beldaur P.S. Case No.128 of 2022

(Dr. Anshuman, J)

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