

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82277 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- SARE District- Nalanda

Rajendra Dharhi @ Rajendra Ram Son of Late Arjun Dharhi R/o Vill. - Onda,
P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sare P.S. Case No. 81 of 2024 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.08.2024 by the informant, Bijendra Das.

3. As per the prosecution story, the informant alleged that on information near Bikhari More, during vehicle checking, from a motorcycle, 50 liters of country made wine and from another motorcycle, there is recovery/seizure of 25 liters of country made wine. This led to the FIR.

4. Learned counsel for the petitioner submits that the motorcycle belongs to Ramjanam Dharhi, he being a passer-by and only because he has criminal antecedent, implicated. He submits that co-accused Ramjanam Dharhi has been allowed



bail by a coordinate bench on 18.09.2024 and lastly irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.10,000/- to the District Legal Services Authority, Nalanda for the purchase of steel Benches for the Civil Court Campus, Nalanda through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as that the fact that the motorcycle belongs to Ramjanam Dharhi, which has been granted bail, he is in custody since 21.09.2024 (para-8 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of Rs.10,000/- to the District Legal Services Authority, Nalanda for the purchase of steel Benches for the Civil Court Campus, Nalanda through Demand Draft issued by the local branch of the State Bank of India.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 4th Additional District and Sessions Judge cum Special Judge Excise 2nd, Nalanda at Bihar Sharif, in connection with Sare P.S. Case No.



81 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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