

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2980 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- BIKRAMGANJ District- Rohtas

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Dhiraj Choudhary @ Dhiraj Kumar, aged about 28 years, son of Nandji Choudhary, resident of village- Sakala Bazar, PS- Karakat, District- Rohtas
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Bikramganj PS Case No.539 of 2023 dated 25.09.2023,
instituted under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The allegation is recovery of total 214.32 litres
illicit liquor from the TATA WINGER vehicle bearing
registration no. BR 01PE 1078.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is further submitted that he has been made accused only
on the basis of disclosure made by Shahid Hussain and Prakash
Kumar, who were apprehended at the spot. Further submission



is that nothing has been recovered either from conscious possession of the petitioner or from the house of the petitioner. The petitioner has no concern with the seized TATA WINGER vehicle from which illicit liquor was recovered. Lastly, it is submitted that the petitioner has one criminal antecedent of similar nature.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Rohtas at Sasaram, in Bikramganj PS Case No.539 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his



wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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