

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16324 of 2025

Arising Out of PS. Case No.-36 Year-2023 Thana- NADI District- West Champaran

Dharmendra Sahani @ Dharmendra Nishad Son of Late Devi Lal Resident of
Rampur, Baya Gaon, P.S.- Gorakhnath, District - Goarakhpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 28-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
(Bagaha) Nadi P.S. Case No. 36 of 2023 registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

3. As per prosecution case, 895.68 liters of foreign
liquor was recovered from a Pickup Van and the driver was
apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. Learned counsel further submits that only
because he is the owner of the seized vehicle, he has been
made accused in the present case. No incriminating article has



been recovered from the conscious possession of the petitioner. Petitioner had no knowledge regarding the alleged liquor that was kept in the vehicle in question. It has also been submitted that the charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. It is lastly submitted that the petitioner has antecedent of two criminal cases and is in custody since 17.01.2025.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and taking into account that no recovery has been made from the conscious possession of the petitioner and the period of custody, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagaha, West Champaran in connection with (Bagaha) Nadi P.S. Case No. 36 of 2023, subject to following conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if



the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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