

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33634 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- PATHAMARI District- Kishanganj

Dharmendra Rai S/o Suryadev Rai R/o Village- Gorgama, P.S.- Mahuwa,
Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Pathamari P.S. Case No. 05 of 2025, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022. Petitioner has clean antecedent.

3. As per the prosecution case, during the course of patrolling, one Tata magic four wheeler was seen coming, which was intercepted and one person was apprehended who disclosed his name as Dharmendra Rai (petitioner). On search, total 1153 liters of different brand of foreign liquor was hidden in the said vehicle along with some grocery items.

4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case. He further submits that he was neither the owner nor the driver of the said vehicle. It has further been submitted that the petitioner has no concern whatsoever with the seized foreign liquor and lastly it has been submitted that the petitioner has clean antecedent and he is in custody since 02.03.2025.

5. The learned A.P.P. for the State has opposed the prayer for bail and has stated that huge quantity of 1153 liters of liquor has been recovered from the Tata magic four wheeler on which the petitioner is alleged to have been driving.

6. Considering the aforesaid submissions made by the parties and taking into account that the petitioner is not the owner of the vehicle and has clean antecedent, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Judge (Excise-1), Kishanganj in connection with Pathamari P.S. Case No. 05 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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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