

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40667 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- TARARI District- Bhojpur

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Dharmendra Singh Son of Chandrahans Singh Resident of village -Jethwar,
P.S.- Tarari. Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the
seizure list would go to show that 100 liters of country made
liquor is said to have been recovered from the sack, which was
kept on a motorcycle, and a person was arrested on the spot who
disclosed the name of the petitioner as being one of them who
fled away from the scene of occurrence.

4. It is submitted by learned counsel for the
petitioner that there is no recovery from the physical and
conscious possession of the petitioner. The name of the
petitioner has surfaced in the present case on the basis of



statement made by the arrested accused person. Further, the petitioner is not the owner of the seized motorcycle. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has one criminal antecedent of similar nature of the offence. To which, learned counsel for the petitioner submits that the petitioner is on bail in the said case.

6. Taking into consideration the fact and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged 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 the learned court below where the case is pending/successor court in connection with Tarari P.S. Case No. 59 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) The petitioner shall cooperate in the investigation/trial.

(ii) One of the bailors will be a family member/close



relative.

(iii) The court below shall verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(iv) The petitioner would appear before the Investigating Officer of the concerned police station at an interval of every 15 days till the charge-sheet in this case is submitted.

(Soni Shrivastava, J)

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