

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78159 of 2024

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

Mahendra Dharhi 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

4 10-02-2025 Heard Mr. Pankaj Kumar, learned counsel for the
petitioner and Mrs. Sangeeta Sharma, learned APP.

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, Vijendra 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 Police only because of his criminal antecedent have implicated all the brothers. Earlier his brother, Rajendra Dhari also moved before this Court and has been extended relief in Cr. Misc. No.



82277 of 2024 beside Ram Janam Dhari by a Coordinate Bench on 18.09.2024 and the last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 10,000/- to be submitted to the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Patna for the refurnishing/renovation of the ladies washroom (Blue Iron Colour) presently in a very rough condition at Gandhi Ghat/Engineering College Ghat through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that a perusal of the paragraph-3 would show that he has criminal antecedent right from the year, 2016 when the prohibition came.

6. Learned counsel for the petitioner to this submits that now that cases are there, at the drop of the hat, he is being implicated and in any case, he/his wife shall ensure that the petitioner does not have any further case lodged against him.

7. Having gone through the facts of the case as also the fact that the others have granted bail, as stated above, is in custody since 19.09.2024 (paragraph-8 of the petition) and charge-sheet submitted, in that background, this Court is inclined to extend him the privilege of bail subject to payment



of Rs. 10,000/- by the petitioner for the refurnishing/renovation of the iron ladies washroom (Blue Colour) through Demand Draft issued by the local branch of the State Bank of India in favour of the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Patna and the receipt of the work done have to be submitted to the learned Trial Court.

8. 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 month till the conclusion of the trial 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.

9. Let a copy be sent to the Executive Officer, Patna Municipal Corporation, Bankipur Circle, Patna and matter be posted on 24.02.2025 under the heading “To be Mentioned” when a report must reached this Court either through Mrs. Sangeeta Sharma, learned APP or Mr. Jitendra Kumar Singh, learned APP.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

