

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3030 of 2025

Arising Out of PS. Case No.-128 Year-2024 Thana- BAUNSI District- Araria

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Dhena Murmu @ Dena Murmu S/O Late Lakhan Murmu Resident of Village-
Gunwanti Tola Rajvaili ward no.- 10, P.S.- Bounsi, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr. Madhav Jha, learned counsel for the

petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.09.2024, in connection with Bounsi P.S. Case No. 128/2024,
FIR dated 13.06.2024 registered for the offence under Sections
30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 25 litres of country made chulai
liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the allegation as
alleged in the FIR is false and fabricated and the petitioner has
not committed any offence as alleged in the FIR. He further
submits that it appears from the FIR that total 25 litres of chulai



liquor has been recovered from the bullet motorcycle of the petitioner and 1,000 litres of raw materials have been recovered from the house of the petitioner. He further submits that petitioner is not the absolute owner of the house in question. He further submits that it appears from the seizure list that seizure list witnesses are police personnel. The petitioner is rotting in judicial custody since 12.09.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the house of the petitioner and apart from that the petitioner carries three more cases other than the present one.

6. Considering the aforesaid facts, let the, above named, petitioner 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 learned Exclusive Spl. Judge Excise-II, Araria in connection with Bounsi P.S. Case No. 128 of 2024 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without



sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

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.

(Rajesh Kumar Verma, J)

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