

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19427 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- SIKTA District- West Champaran

Chandan Kumar @ Chandan Kumar Ram S/o Raju Ram, R/o Village-
Brohiya, Post Office Chaubey Tola, P.S.- Chanpatia, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-04-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.01.2018 in connection with Sikta P.S. Case No. 07 of 2018
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

The prosecution case, as lodged by the police
officials, is that during patrolling, they found three motorcycles
coming from Indo-Nepal Border. While the riders of two
motorcycles fled away on seeing the police, but the petitioner,
who was on the third motorcycle, was apprehended. On search,
36.200 liters of Nepali Saufi wine was recovered from the
motorcycle of the petitioner and from the other motorcycles,



180 bottles each containing 300 ML were recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that he had no concern with the seized liquor from the two motorcycles and even the third motorcycle did not belong to him. He submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody for more than three months.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in connection with Sikta P.S. Case No. 07 of 2018, subject to the conditions that:

- (1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an



affidavit stating his relationship with the petitioner.

(2) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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