

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16427 of 2019

Arising Out of P.S. Case No.-147 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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CHANDAN KUMAR @ AVINASH KUMAR, aged about 39 years, Male,
Son of Late Dashrath Singh Resident of Village - Khamhar, P.S.- Muffasil,
Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
05.01.2019 in connection with Muffasil P.S.Case No.147 of
2018 for the offence alleged under Section 30(A) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on information from the informer that illicit
liquor is being unloaded, he raided the place and found a tractor
being unloaded and some persons and the culprits managed to
flee away. From the said tractor, 2035.8 liters of illicit liquor
was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the FIR and has been falsely implicated only on the basis of confessional statement of the petitioner as well as the co-accused. He submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases under similar offence is pending against him.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail **on completion of six months in custody** on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Mufassil P.S.Case No.147 of 2018 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, 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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