

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70782 of 2019

Arising Out of PS. Case No.-363 Year-2019 Thana- CHAPRA TOWN District- Saran

Chanchal Kumar @ Viklang, aged about 32 years, Male, S/o Ashok Kumar Singh R/o village- Mouna, Mishra Toli, P.S.- Chapra Town, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwari, Advocate

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

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No.363 of 2019 dated 01.07.2019 registered at Police Station-Town District-Chapra under Section 30(a), 41(I)(II) of the Bihar Prohibition and Excise Act.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Allegedly 43.740 liters *mahua* wine was recovered.

Learned counsel for the petitioner submits that he has been falsely implicated in this case. The recovery has not been made from the conscious physical possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to



interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 23.07.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned XI ADJ-cum-Special Judge, Excise, Saran at Chapra in connection with Chapra Town P.S.Case No.363 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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