

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21673 of 2020

Arising Out of PS. Case No.-391 Year-2019 Thana- GHORASAHAN District- East
Champaran

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CHANDAN KUMAR @ CHANDAN RAI S/o Late Rambalak Rai @ Late
Balak Rai Resident of Village-Pipra, P.S.-Jitna, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2020 As of now the Courts have not resumed normal physical
hearing, the matter has been listed today for consideration through
Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and Secretary
are also part of this virtual court proceedings from their homes, all
with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned
Counsel for the State.

Petitioner seeks bail in Ghorasahan (Jitna) PS Case No.
391 of 2019 registered under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

The sack loaded on the motorcycle 82 litres of Nepali Sofi
wine is alleged to have been recovered.

Learned Counsel for the petitioner submits that the
petitioner is in custody since 20.2.2020. This is a case of false
implication as there is no recovery from the conscious possession of
the petitioner. Recovery is from the motorcycle which does not
belong to the petitioner. He is on bail in Ghorasahan (Jitna) PS Case



No. 61 of 2019 and Ghorasahan (Jitna) PS Case No. 45 of 2019.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, East Champaran, Motihari in Ghorasahan (Jitna) PS Case No. 391 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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