

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22836 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- MAHUA District- Vaishali

CHANDAN KUMAR S/o Ram Narayan Ray Resident of Village- Gorgawan,
P.S.- Mahua, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.A.G

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-09-2020 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Informant in his written report has alleged that on 13.02.2020 at about 10:30 pm when he was on patrolling duty he received secret information that illicit liquor is being unloaded from the truck and are being loaded in small pick-up vans at Manpura Paharpur and on receiving said information he along with police party reached the place and after seeing the police party the driver of the pick up van bearing registration no.



BR31GB4006 speed up the vehicle and when he was asked to stop he dashed the police vehicle and tried to escape but was apprehended. From search of the said vehicle 3603.60 litre of illicit foreign liquor was recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion only. No independent eye witness has put signature on the seizure list and police forcibly took the signature of the petitioner on the seizure list. Petitioner has no concern with the vehicle from which illicit foreign liquor has been recovered. Nothing has been recovered from the conscious possession of petitioner. Petitioner has got no criminal antecedent and is in custody since 15.02.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Mahua P.S. Case No. 79 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4). If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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