

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18183 of 2021

Arising Out of PS. Case No.-451 Year-2020 Thana- PURNEA SADAR District- Purnia

Chandan Kumar Pandit @ Chandan Pandit, S/O Late Sharvan Pandit, R/O
Mohalla-Khuskibagh, Nageshwar Bagh, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Excise Case No.541 of 2020 arising out of Sadar P.S. Case
No.451 of 2020 registered for the offence punishable under
Sections 272, 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act.

Since 05.12.2020, the petitioner is stated to be in
custody. There is recovery of 31.770 litres Indian Made Foreign
Liquor alleged to be concealed in the carton and bag at the
petitioner's house in the kitchen.

Counsel for the petitioner submits that it is a case of
false implication by planting the liquor. He has no criminal
antecedents. The petitioner was not present at the time of seizure



and he has subsequently been arrested. Recovery is behind his back. He is accused in Purnea Sadar P.S. Case No.581 of 2019, in which he is on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Purnea, in connection with Special Excise Case No.541 of 2020 arising out of Sadar P.S. Case No.451 of 2020, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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