

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2211 of 2021**

Arising Out of PS. Case No.-36 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

CHAMAN KUMAR @ CHAMANIYA Son of Late Kanhai Lal @ Kanhai
Mahto Resident of Mohalla-Pankha Toli, P.S.-Kaji Mohammadpur, District-
Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Md. Arif, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-04-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Excise Case No. 36/2020 (P.R. No. 36/20)

registered for the offences punishable under Section 30(a) of

Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that there is

a recovery of 21.375 liters of illicit liquor from a hut but the said

liquor has not been recovered from the possession of petitioner,

he has remained in jail in connection with the present case since



13.10.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein there is alleged recovery of 21.375 liters of illicit liquor but the petitioner submits that the liquor has not been recovered from his possession, he has remained in jail in connection with the present case since 13.10.2020, investigation against him is complete, he has no criminal antecedent and it is not the submission of the State that the release of the petitioner shall result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Excise Case No. 36/2020 (P.R. No. 36/20), subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

