

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4986 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- GOPALPUR District- Gopalganj

RAJAN CHAUHAN @ RAJAN MAHATO SON OF RAMPRIET
CHAUHAN @ RAMPRIET CHAHAN @ RAMPRIT CHAUHAN @
RAIPRAT CHAUHAN R/O VILL.- SHAHPUR PAKAICHAHAR @
PAKADIYAR, P.S.- GOPALGANJ, DIST.- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Gopalpur P.S. Case No. 76 of 2020, registered for the offence punishable punishable under Sections 272, 273 and 420 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2018.

On secret information raid was conducted and this petitioner along with other accused persons after seeing the police party managed to escape leaving their motorcycle and from motorcycle of this petitioner 72 litres of foreign liquor kept in a bag was recovered.

It is submitted that no recovery has been made from conscious possession of this petitioner. Petitioner was not apprehended on the spot and has got no concern with the seized



liquor or the motorcycle. Petitioner is in custody since 22.09.2020. The mandatory provision of section 100 Cr.P.C has not been followed. Chargesheet has already been submitted.

Considering the fact that no recovery has been made from conscious possession of the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd-cum-Special Judge Excise Act, Gopalganj in connection with Gopalpur P.S. Case No. 76 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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