

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7552 of 2021**

Arising Out of PS. Case No.-320 Year-2020 Thana- KOTWA District- East Champaran

Chandan Singh S/O Prabhu Singh Resident Of Village Belwa Madho, P.S-
Kotwa, District-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-03-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Kotwa P.S. Case No. 320 of 2020, registered for the offence punishable punishable under Sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On secret information that some persons including this petitioner brought the consignment of illicit spirit through a truck and the same was being unloaded at Chimni situated in village Belwa Madho, raid was conducted. After seeing the light of vehicle of police, all the accused persons fled away and upon search 6400 litres of spirit was recovered from truck and 600 litres of spirit was recovered from pick up van.

It is submitted that no recovery has been made from



conscious possession of this petitioner. The truck and pick up van in question does not belong to this petitioner and has got no concern with the recovered spirit. Petitioner has not been apprehended on the spot. Moreover, in the FIR there is no source as to who disclosed the name of this petitioner. Similarly situated co-accused Shiv Sahani has been granted bail by a coordinate Bench of this court vide order dated 17.03.2021 passed in Cr. Misc. No. 2667 of 2021. Petitioner is in custody since 28.09.2020 having no criminal antecedent, as stated in para 3 of the petition. Chargesheet has already been submitted.

Considering the fact that no recovery has been made from conscious possession of the petitioner and bears clean antecedent, 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Motihari East Champaran in connection with Kotwa P.S. Case No. 320 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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