

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12381 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- HATHAURI District- Muzaffarpur

CHANDAN KUMAR, S/o- Ram Vinod Sah R/o Village- Berai, P.S.-
Hatharui, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Hathauri P.S. Case No. 286 of 2021, registered for the

offences punishable under Sections 272, 273 of IPC and

Sections 30(a), 38(i), (ii) & 41(i) of Bihar Prohibition &

Excise Act

As per allegation, 138.240 litres of liquor has been

recovered from one Indigo Car.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that the recovered liquor does



not belong to the petitioner. He was also not the driver of the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. He has no connection with the alleged offence. He also submits that the seizure is not as per the Rule as provided in Cr.P.C.

The petitioner is in custody since 28.11.2021.

It is also stated in paragraph no. 2 of the petition that petitioner has not moved this Hon'ble Court earlier in this matter either for Anticipatory Bail or Regular Bail.

It has further been stated that the petitioner has been made accused in Bochahan P.S. Case No. 313 of 2014.

However, the learned APP for the State has opposed the prayer for bail.

In view of the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Hathauri P.S. Case No. 286 of 2021 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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