

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12568 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- CHAUTHAM District- Khagaria

SHIVNANDAN KUMAR, Son of Sharwan Singh @ Sharwan Kumar Singh
Resident of Village- Nawada, P.S.- Chaudhan, Dist- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Patel

For the Opposite Party/s : Mr. Parmanand Kumar

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

Chautham P.S. Case No. 282 of 2021, registered for the

offences punishable under Section 30(a) of Bihar Prohibition

and Excise Act, 2018.

As per allegation, 51.300 litres of liquor and one

mobile phone were recovered from the possession of the

petitioner.

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 alleged recovery of



illicit liquor has not been made from the conscious possession of the petitioner as that was lying besides the road and incidentally he was there and on suspicion he has been arrested by the police.

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

It has further been stated that the petitioner has been made accused in Chautham P.S. Case No. 25 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

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

Considering 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 Special Judge (Excise) 1st, Khagaria in connection with Chautham P.S. Case No. 282 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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