

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13810 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- LAKHNAUR District- Madhubani

Shivjee Kumar Chaupal @ Shivjee Kumar, Son Of Dhanik Lal Chaupal, R/O
Village- Chandrabani, P.S.- Lakhnaur, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 11.01.2022, seeks
regular bail in connection with Lakhnapur P.S. Case No. 02 of
2022 dated 11.01.2022 registered for offences punishable under
Sections 272, 273/34 of the Indian Penal Code, Section 30 (a) of
the Bihar Prohibition and Excise Act, 2018 and Section 25(1-
b)/a/26/35 of the Arms Act.

As per the allegation made in the FIR, one country-
made pistol was recovered from co-accused Sujit Kumar
Mandal and 20.7 litres of Nepali Saufi liquor and 750 ML. Of
foreign liquor was recovered from the possession of co-accused



Manish Kumar.

Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the possession of the petitioner. Alleged recovery has been made from co-accused Sujit Kumar Mandal and Manish Kumar while they were present at the shop of the petitioner. Petitioner has been roped in the present case merely on suspicion. He further submits that petitioner is handicapped and he is in custody since 11.01.2022. There is no chance of absconding or tampering and hence the petitioner deserves to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made in the FIR, there being no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded in near future, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur in the District of Madhubani in connection with Lakhnapur P.S. Case No. 02 of 2022 dated 11.01.2022 subject



to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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