

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17085 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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CHANDAN KUMAR GUPTA @ CHANDAN GUPTA S/o Ganesh Sah
Resident of Village- Jiwdhara, P.S.- Pipra Kothi, District- East Champaran,
Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra
For the Opposite Party/s : Mr. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Excise

Case No. 235/2021, T.R. No. 2408/2022 registered for the

offences punishable under Sections 30(a), 32, 41(i) and (ii) of

the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of

total 3593.520 liters foreign liquor from truck in question. On

the basis of confessional statement of co-accused, Vikram Singh

Meghwal, the name of petitioner and others were surfaced in

this case.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the alleged truck nor alleged recovered illicit wine. On the basis of confessional statement of co-accused, Vikram Singh Meghwal, petitioner has been made accused in this case. Seizure list has not been made as per law. The petitioner is languishing in custody since 06.12.2021 and bears criminal antecedent of four cases of similar nature. Prosecution report has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. The co-accused, Vikram Singh Meghwal has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.68046/2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, prosecution report has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of**



charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court-II, East Champaran, Motihari in connection with Excise Case No. 235/2021, T.R. No. 2408/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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