

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32048 of 2021

Arising Out of PS. Case No.-979 Year-2020 Thana- MADHAURAH District- Saran

Chanddeshwar Nat @ Chandeshwar Nut, aged about 40 years, Male Son of
Late Saral Nat, Resident of village- Bazid Bhoraha, P.S.- Marhowrah,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 30-03-2022 Heard the parties.

The case is being taken up from defect side.

Learned counsel for the petitioner is directed to
submit the original petition along with attested affidavits and
also remove all the defects pointed out by the Registry within
two weeks from today.

The petitioner seeks bail in anticipation of his arrest in
connection with Marhowrah P.S. Case No. 979 of 2020
instituted for the offences punishable under Sections 272, 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

Learned counsel for the petitioner has taken to this
Court the recovery memo which shows that the liquor was



recovered from an open place and not from inside the house of the petitioner.

Keeping in view thereof, this Court is satisfied that prima facie case under Section 30(a) is not made out against the petitioner.

In view thereof, I am inclined to allow the petitioner on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, which are as under:-

1. The petitioner, above named shall furnish personal bond with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;

2. The petitioner shall cooperate with the investigation and make himself available for interrogation whenever required;

3. The petitioner shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

4. The petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;



5. The petitioner shall not leave the territory of Bihar, without prior permission of the Court, till trial is over;

6. The petitioner shall maintain law and order;

7. The petitioner shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

8. The petitioner shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;

9. The petitioner shall regularly remain present during the trial, and cooperate the Hon'ble court to complete the trial for the above offences.

(Sanjeev Prakash Sharma, J)

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