

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27591 of 2022**

Arising Out of PS. Case No.-57 Year-2022 Thana- NAUBATPUR District- Patna

Chandan Ram @ Chandan Kumar, S/o Kishun Ram Resident of Village-  
Goraiya Asthan, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      06-08-2022                      Heard learned counsel for the petitioner and the  
  
learned APP for the State through virtual mode in view of  
  
COVID-19.

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

The petitioner is in judicial custody in connection  
with Special Case No.153/2022 arising out of Naubatpur P.S.  
Case No.57/2022 instituted under Section 30(a), 41 of Bihar  
Prohibition and Excise Act.

As per the FIR upon information the police  
intercepted the motorcycle and tempo, the same were  
intercepted and 35 liters of Desi 'Mahua' and 115 liters of Desi  
'Mahua' were recovered/seized from motorcycle and tempo  
respectively.

Learned counsel for the petitioner submits that



motorcycle and tempo were intercepted and it is alleged that from motorcycle on which the petitioner was sitting 35 liters of '*Deshi Mahua*' was recovered/seized. The learned counsel for the petitioner further submits that he was merely riding the said motorcycle which does not belong to him and despite the fact that he has no criminal antecedent is in custody since 30.01.2022 (as stated in para-14 of the bail application). He accordingly press for bail.

Considering the fact that the allegation is of recovery/seizure of 35 liters of '*Deshi Mahua*' amongst other from the motorcycle to which the petitioner was riding, has no criminal antecedent and is in custody since 30.01.2022 also the fact that the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Special Case No.153/2022 arising out of Naubatpur P.S. Case No.57/2022 to the satisfaction of learned Special Judge Excise Danapur, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Prakash Narayan /-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

