

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25939 of 2022

Arising Out of PS. Case No.-147 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

Chandan Kumar Son of Manoj Kumar Singh Resident of Village -
Chakmasud Kamaipur, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Bharti, Advocate.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Rashmi Bharti, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hajipur Industrial P. S. Case No. 147 of 2020 (G.R. NO. 751 of 2020) registered for the offences punishable under Sections 30 (a) and 41(1) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, conducted raid and apprehended



one truck and a Maruti Dezire car and on search being made altogether 1791 litres from the truck and 72 litres from the Maruti swift desire car, Indian made foreign liquor was recovered. It is further alleged that the apprehended person disclosed the name of the petitioner and others.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner neither arrested at the spot nor any incriminating material has been recovered from his possession and only because of his criminal antecedent the name of the petitioner has been implicated in this case. It is further submitted that other co-accused person on whose disclosure, the name of the petitioner has come, has already been granted bail by this Hon'ble Court in Cr. Misc. No. 17224 of 2021 vide order dated 07.07.2021 and moreover, this petitioner is in custody since 15.03.2021.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the period of custody, apart from that other co-accused person has already been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Exclusive Special Judge, Excise Act, Vaishali at Hajipur in connection with Hajipur Industrial P. S. Case No. 147 of 2020 (G.R. NO. 751 of 2020), subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds

in terms of the above-mentioned order shall not

be delayed for purpose of or in the name of

verification.

(Harish Kumar, J)

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