

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37756 of 2021

Arising Out of PS. Case No.-344 Year-2017 Thana- BUXAR District- Buxar

Chandan @ Chandan Yadav @ Samosa Lal S/o Radheshyam Yadav Resident
of Village- Purushottam Patti, P.S.- Maniyar, District- Balia (U.P)

.. ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 23-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Buxar Town P.S. Case No. 344 of 2017, C.I.S. No. 1667 of 2017 registered for the offences punishable under Sections 420, 467, 468, 273, 120(B)/34 of the Indian Penal Code and Section 30(a), 41(1)(2) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 1468.800 liters Crazy Romeo whiskey English wine was recovered from the TATA Magic vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the



present case. He further submits that it appears from the F.I.R. that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from one vehicle (Tata Magic Super) in question. He further submits that the petitioner has been remanded on 22.02.2021 in connection with Maniyar P.S. Case No. 13 of 2021. He further submits that similarly situated, co-accused, namely, Asgar Khan has been granted bail by a co-ordinate Bench of this Court vide order dated 19.08.2017 passed in Cr. Misc. No. 39015 of 2017 and other co-accused namely, Arju @ Arju Khan has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.02.2018 passed in Cr. Misc. No. 6682 of 2018. The petitioner is in custody since 22.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Buxar in



connection with Buxar Town P.S. Case No. 344 of 2017, C.I.S. No. 1667 of 2017, subject to the condition that **one of the bailors should be family members of the petitioner** and with the following further conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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