

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28131 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Jitan Poddar, Son of Kanhaiya Lal Poddar @ Kanhaiya Poddar, R/O Village-
Chraiya (BAGALBARI), P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-09-2022 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.276 of 2021 arising out of Kochadhaman
P.S. Case No.202/2021 instituted under Sections 272,273,420
and 30(a), 41(1), 47 of Bihar Prohibition and Excise Act.

The FIR allegation is that a Swift car loaded with
foreign liquor was intercepted and 126 liters of foreign wine
were recovered/seized.

Learned counsel for the petitioner submits that neither
he has been arrested from the spot nor anything has been
recovered from his conscious possession and only because he



has cases of same nature, he has been implicated in this case.

Be that as it may, the petitioner has not been arrested from the spot, nothing has been recovered from his conscious possession, he is in custody since 07.03.2022 (as stated in para-11 of the bail application) and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Special Case No.276 of 2021 arising out of Kochadhaman P.S. Case No.202/2021 to the satisfaction of learned Additional District & Sessions Judge, Ind-cum-Special Judge (Excise), Kishanganj, 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 bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month till conclusion of the Trial to mark his 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 bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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