

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27570 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- ARA NAWADA District- Bhojpur

CHANDAN KUMAR, Son of Late India Prasad Resident of Village - Pakri,
Near Post Office, P.S.- Ara Nawada, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Ojha, Adv.

For the Opposite Party/s : Mr.Bharat Lal, 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 Ara Nawada P.S. Case No.227/2022 instituted under
Section 30(a) of Bihar Prohibition and Excise Amendment Act,
2018.

Prosecution case in short, is that, the S.H.O. of
Nawada Police Station along with other Police Party after
receiving information that huge quantity has been kept in a
thatched house near 'Bibijaan Ka Hata', reached there and
recovered/seized 122.75 liters of English wine. Accordingly,
seizure list was prepared.



Learned counsel for the petitioner submits that only on the basis of wrong information that the said hut belongs to him, the police after raid recovered/seized 122.75 liters of English wine implicated him in this case. He reiterates that the said recovery/seizure of the English wine under no circumstance can be attributed to him. He has no criminal antecedent and is in jail since 18.03.2022 (as stated in para-5 of the bail application).

Taking into account the aforesaid facts that it has been recovered/seized from the hut, he has no criminal antecedent, charge-sheet stands submitted and is in custody since 18.03.2022, 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 Ara Nawada P.S. Case No.227/2022 to the satisfaction of learned Exclusive Excise Court No.1st, Bhojpur, Ara, 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 /-

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