

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28577 of 2022

Arising Out of PS. Case No.-250 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

CHANDAN KUMAR Son of Kaushal Kishor Ojha Resident of Village -
Shahbajpur, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 250 of 2022 registered for the offences
punishable under Sections 30(a), 36 of the Bihar Prohibition and
Excise Act and Section 272, 273 of the Indian Penal Code.

As per prosecution case, there is alleged recovery
of 33.750 litres foreign liquor has been recovered from the
house of the petitioner. The petitioner is apprehended on spot
and one person managed to flee away from the house.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The house is a joint family house. Seizure list has not been prepared as per law. Co-accused Deepak Kumar Thakur has brought the alleged liquor and the petitioner has no concern with the co-accused.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 250 of 2022, subject to following conditions:-

- (i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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