

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29195 of 2022

Arising Out of PS. Case No.-518 Year-2020 Thana- BIDUPUR 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 : Mr.Rohit Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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 Bidupur
P.S. Case No. 518/2020, Excise Case No. 1032/2020 registered
for the offences punishable under Sections 30, 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 847.59 liters foreign liquor from the Pick-up Van and one
motorcycle was also recovered from the place of occurrence.
The name of the petitioner sprang up in this case due to owner
of the seized Pick-up van.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in this case being the owner of the said seized vehicle in question. The said vehicle was used by the driver to carry the goods. The petitioner was remanded in this case on 04.02.2022 from other cases since then he is in custody. The petitioner bears criminal antecedent of three cases in which two cases are of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Bidupur P.S. Case No. 518/2020, Excise Case



No. 1032/2020, 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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