

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28918 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- KALYANPUR District- Samastipur

Chandan Kumar @ Chandan Kumar Singh Son Of Late Surendra Prasad R/O
Village- Ajna, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned A.P.P
for the State.

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

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 47, 30(a),
41(i), (ii) of Bihar Prohibition and Excise Act.

Allegation is of recovery of 654.480 litres of foreign
liquor from a truck and other co-accused namely, Chandan
Kumar, S/o Sukhdev Ray was apprehended on the spot and
Chandan Kumar @ Chandan Kumar Singh (petitioner) S/o Late
Surendra Prasad managed to escape taking advantage of
darkness.

Learned counsel for the petitioner submits that the



petitioner is innocent and he has no concern with the seized liquor. It is submitted that mandatory provision of Sub-section 2 of Section 74 and Section 82 of the Bihar Prohibition and Excise Act with respect to search and seizure have not been followed. Further, it is submitted that the petitioner's name transpired in this case on the basis of confessional statement of the other co-accused namely, Chandan Kumar, S/o Sukhdev Ray. It is also stated that the co-accused Chandan Kumar, S/o Sukhdev Ray has been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2021 passed in Criminal Miscellaneous No. 38104 of 2021. It is further submitted that the petitioner is in custody since 25.01.2022 and has antecedent of two cases.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kalyanpur P.S. Case No. 70 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed 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) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

Gaurav Kumar/-

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