

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30799 of 2022

Arising Out of PS. Case No.-444 Year-2021 Thana- RAJAOLI District- Nawada

Chandan Sao @ Chandan Kumar Son Of Birendra Sao R/O Village- Mandih,
P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Birendra Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rajauli P. S. Case No. 444 of 2021 registered for the offences punishable under Section 30 (a)(d) of the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the police, on a secret information that all the F.I.R. named accused person including this petitioner are engaged in manufacturing of



illicit wine in Hathochak forest, raided the place of occurrence and in course of search, 40 litres country-made liquor was recovered. It is further alleged that 200 litres Jawa Mahua was also destroyed by the police force. The local Chaukidar and a spy disclosed the name of the persons, who fled away from the place of occurrence including the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. So far the alleged recovery is concerned, the same has been made from Hathochak forest, which is a public place, accessible to all. It is further submitted that only because of one past criminal antecedent of the petitioner, his name has been implicated in this case only on suspicion. It is last submitted that the petitioner is in custody since 05.03.2022 and after completion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material



has been recovered from his person or possession and moreover, the name of the petitioner has been disclosed by the local Chaukidar and save and except the disclosure, there is no other material against the petitioner and he is in custody since 05.03.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Nawada in connection with Rajauli P. S. Case No. 444 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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