

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40427 of 2021

Arising Out of PS. Case No.-207 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

CHANDRADEV KUMAR S/o Shiv Kant Sharma R/o Village- Batraha
Sarma Chowk, Ward No.24, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Special Excise
No. 454/ 2021 (arising out of Kotwali (Barari) P.S. Case No.
207 of 2021) registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 76.310 litres of illicit liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case. He



further submits that it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather recovery has been made from Auto Rickshaw in question. He further submits that co-accused Rahul Kumar @ Rahul Kumar Raj has been granted bail by a co-ordinate Bench of this court vide order dated 23.09.2021 passed in Cr. Misc. No. 38109 of 2021 and another co-accused, namely, Chhotu Kumar and Raja Kumar have been granted bail by a co-ordinate Bench of this court vide order dated 19.01.2022 passed in Cr. Misc. No. 37977 of 2021. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 25.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum- Special Judge (Excise Act), Bhagalpur in connection with Special Excise Case No. 454/ 2021 (arising out of Kotwali (Barari) P.S. Case No. 207 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 shall remain physically present as directed 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. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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