

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31849 of 2022

Arising Out of PS. Case No.-371 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

CHANDAN RAI @ CHANDAN KUMAR YADAV S/o Late Lalan Prasad
Yadav R/o Village - Hussepur Naya Tola, P.S. - Sahebganj, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-09-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 272 and 273/34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 2457.320 litres of foreign liquor is said to have been recovered from Utkramit Middle School, Hussepur Naya Tola. It is alleged that petitioner and others fled from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the disclosure of his name by local people. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said school is a public place and easily accessible for anyone to implant the liquor. Petitioner has three criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 1,00,000.00/- (Rupees One Lac) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Sahebganj P.S. Case No.371 of 2021, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C,
as also the following conditions.

(1) That one of the bailors will be a close relative of
the petitioner, who will give an affidavit giving genealogy as to
how he is related with the petitioner. He will also undertake to
inform the Court if there is any change in the address of the
petitioner.

(2) The bailor shall also state on affidavit that he will
inform the Court concerned if the petitioner is implicated in any
other case of similar nature and thereafter the Court below will
be at liberty to initiate proceeding for cancellation of
anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of
Rs.1,00,000.00/- (Rupees One Lac) in the Patna High Court
Legal Services Committee.

(Anjani Kumar Sharan, J)

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