

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35993 of 2022

Arising Out of PS. Case No.-190 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

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CHANDRAHAS KUMAR @ PHUCHI Son of RamBali Singh Resident of
Village- Maheshwara, P.S. Nawkothe, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1
For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Cheriyabariyarpur P.S. Case No. 190/2017 registered for the
offences punishable under Section 290 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 1123.56 liters foreign liquor from Bolero Pick-up vehicle
in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to previous criminal antecedent. The petitioner is not named in the FIR and during course of investigation, petitioner and co-accused, Mukesh Ishwar were arrested in Muffasil P.S. Case No. 466/2018 and made their confession disclosing their involvement in the present case also. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was neither driver nor owner of the said vehicle in question. The petitioner is languishing in custody since 25.04.2022 and bears criminal antecedent of four cases in which three cases are of similar nature and in all cases he is on bail. 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, petitioner is not named in the FIR, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Excise Judge-I, Begusarai in connection with Cheriabariyarpur P.S. Case No. 190/2017, 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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