

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35413 of 2022**

Arising Out of PS. Case No.-80 Year-2022 Thana- GURARU District- Gaya

CHANDAN KUMAR S/O RAMSWAROOP MANJHI Resident of Village,  
Simaru, P.S.- Gurua, District, Gaya.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Anil Prasad Singh

**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.

The petitioner seeks bail in connection with Guraru  
P.S. Case No. 80 of 2022 registered for the offences punishable  
under Sections 30(a) of the Bihar Prohibition and Excise  
Amendment Act.

As per prosecution case, there is alleged recovery  
of 140 litres chulai Mahua liquor from the Tempo in question.  
The petitioner is alleged to be the driver of the said Tempo.

Learned counsel for the petitioner submits that  
petitioner is in custody since 03.05.2022. Petitioner bears no  
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no any concerned with the recovered Mahua liquor nor is he the owner of the alleged tempo. The petitioner is the driver of the aforesaid tempo which was hired by the co-accused Ranjan Kumar and the petitioner is absolutely unaware about carrying of illegal Mahua liquor.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. 2 in connection with Guraru P.S. Case No. 80 of 2022, 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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