

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44618 of 2021**

Arising Out of PS. Case No.-247 Year-2021 Thana- GOPALPUR District- Bhagalpur

Chandan Kumar Das S/o Vakil Das Resident of Village- Saidpur Dabra, P.S.-
Gopalpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 11-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 13.6.2021 seeks
regular bail in connection with Gopalpur P.S. Case No. 247 of
2021 registered for the offence punishable under sections (30)
(a),38(i) of Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that altogether 70 liters of
country made illicit liquor was recovered from one Tempo
bearing registration no. BR10P-5615.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from his conscious
possession rather the police has forcibly apprehended him while
the tempo was kept abandoned somewhere along with the seized



liquor and he has no concern with the said Auto or the seized liquor. He further submits that the petitioner has clean antecedent and is in custody since 3.6.2021.

Learned counsel appearing on behalf of the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case as well as the fact that nothing has been recovered from the conscious possession of the petitioner, the court below is directed to verify the ownership of the Tempo bearing registration no. BR10P-5615 and if it found that the aforesaid vehicle is not registered in the name of the petitioner, the court below shall release the petitioner named above, on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum- Special Judge, Excise Act, in connection with Gopalpur P.S. Case No. 247 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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