

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.36721 of 2022**

Arising Out of PS. Case No.-242 Year-2022 Thana- SARAIYA District- Muzaffarpur

CHANDESHWAR DAS SON OF LATE HARENDRA DAS Resident of  
village- Anandpur Gangoliya, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

**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 court.

The petitioner seeks bail in connection with Saraiya  
P.S. Case No. 242/2022 registered for the offences punishable  
under Sections 272, 273, 34 of the Indian Penal Code and  
Section 30(a) of the Bihar Prohibition and Excise Act.

As per seizure list, there is alleged recovery of total  
1059.840 liters foreign liquor from the house of co-accused,  
Rakesh Kumar. The petitioner and others were apprehended on  
the place of occurrence.

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



case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is father of co-accused, Rakesh Kumar from whom alleged recovery has been made but he is living separately in a hut. The petitioner was neither concerned with alleged seized liquor nor alleged place of occurrence. The petitioner is languishing in custody since 24.04.2022 and bears no criminal antecedent. He further submits that the seizure list has not been made as per law. 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, charge sheet has already been submitted and keeping in view clean antecedent of 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 Judge, Excise Court No.-II, Muzaffarpur in connection with Saraiya P.S. Case No. 242/2022, 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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