

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37017 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- KARJA District- Muzaffarpur

CHANDAN KUMAR Son of Mahesh Rai Resident of Village-Narhar Sarai,
Police Station-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Upendra Kumar Chaubey, learned counsel for the petitioner as well as Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Karja P. S. Case No. 125 of 2021 registered for the offences punishable under Sections 272, 273, 414 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that altogether 198.72 litres different brands of Indian made foreign



liquor was recovered from two Scorpio vehicles. It is also alleged that the petitioner is one of the associates engaged in illicit trade of liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has been disclosed by co-accused Rahul Kumar and the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is next submitted that only because of the past two criminal antecedent, his name has been implicated in this case. It is further submitted that other co-accused persons, having identical allegation, have already been granted bail by learned co-ordinate Benches of this court. The copies of which have been annexed as annexure 2 series. It is last submitted that the petitioner is in custody since 27.05.2022 and moreover, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession in as much as the other co-accused person, having identical allegation, have



already been granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. II, Muzaffarpur in connection with Karja P. S. Case No. 125 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall



take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

