

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37855 of 2022**

Arising Out of PS. Case No.-376 Year-2022 Thana- SARAIYA District- Muzaffarpur

CHANDAN KUMAR S/o- Rajendra Ray R/o Vill- Rupauli Kanti, P.S.-
Saraiya, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Advocate.
For the Opposite Party/s : Ms. Veena Rani Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Rajeev Ranjan No.II, learned counsel for
the petitioner as well as 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 Saraiya P. S. Case No. 376 of 2022
registered for the offences punishable under Sections 272, 273
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 the



police, on a secret information, apprehended the petitioner and one another accused person and on search, total five litres illicit country-made liquor was recovered from a jerkin.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R. it is evident that the alleged recovery was made from the joint possession of two persons, however, from the perusal of the seizure list, it appears that the alleged recovery has been made near the Thawe temple and not from the possession of the petitioner. It is next submitted that only because of the one past criminal antecedent of the petitioner, his name has been implicated in this case. It is further submitted that there is no compliance of Sections 81-82 of the Bihar Prohibition and Excise Act, 2016 apart from non-compliance of Section 100 of the Cr.P.C.

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

Having considered the submissions made on behalf of the parties and taking into account the materials available on record, which suggests that there is no compliance of Sections 81-82 of the Bihar Prohibition and Excise Act, 2016 in as much as the seizure list suggests that the recovery has been made near the Thawe temple, let the petitioner, above named, be released



on bail on furnishing bail bonds 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, Muzaffapur in connection with Saraiya P. S. Case No. 376 of 2022, 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)

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