

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39838 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- KARJA District- Muzaffarpur

CHANDAN KUMAR Son of Mahesh Ray, Resident of Village - Narhar Sarai, P.S.- Karja, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defects, as pointed out by the Office, be removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Karja P.S. Case No. 149 of 2021 alleged under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of Excise Act.

As per the prosecution, total 3839.40 liters of foreign liquor were alleged to be recovered from truck and Pick-up Van.

Learned counsel for the petitioner submits that no one was apprehended from the place of occurrence including the petitioner. He further submits that name of the petitioner has figured in this case at the instance of the informant. He further submits that petitioner is neither driver nor the owner of either

truck or pick-up van. He further submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 08.06.2022 and 26.07.2022 passed in Criminal Misc. Nos. 69454 of 2021 and 21663 of 2022 respectively. He further submits that petitioner is in custody since 27.05.2022 and charge sheet has already been filed in this case having two criminal cases pending against him on which he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Learned special Judge, Excise, Court No. II, Muzaffarpur in connection with Karja P.S. Case No. 149 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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