

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43838 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- KARJA District- Muzaffarpur

Chandan Kumar, S/O Mahesh Ray, Resident of village- Nahar Sarai, P.S.-
Kajra, 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.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Karja P.S. Case No. 254 of 2021 registered for
the alleged offences under Sections 272, 273/34 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act.

Allegedly, 609.48 litres of India made foreign liquor
was recovered from an orchard of the co-accused Anup Kumar.
The petitioner is said to have fled away from the spot.

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



case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The charge sheet has been submitted in this case. The petitioner is in custody since 27.05.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No.-2, Muzaffarpur, in connection with Karja P.S. Case No. 254 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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