

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50846 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- BIDUPUR District- Vaishali

Chandan Kumar S/O Manoj Singh @ Manoj Kumar Singh R/o Village-
Chakmasud, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Anand, Adv

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 10-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Bidupur P.S. Case No. 52 of 2020 for the
offences punishable under Sections 30(a) of the Bihar
Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that the
police on confidential information that FIR named accused
persons including the petitioner has been running a
Syndicate for illegal trade of liquor and on the basis of
aforesaid information, they raided the place of occurrence.



However, on noticing the police four person sitting on a truck fled away taking advantage of darkness and on search 3670.80 liters illicit foreign liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is neither arrested on the spot nor any incriminating material has been recovered from conscious and constructive possession of the petitioner. Save and except suspicion that the petitioner is a member of Syndicate, there is no other material which suggests the complicity of the petitioner in the present crime. It is further submitted that petitioner is neither owner of the truck nor has any concern with the illicit liquor. Apart from the other infirmity in the preparation of seizure list, there is no compliance of section 100 of the Cr.P.C. It is lastly submitted that prior to institution of the present case, he is in custody since 27.03.2021.

On the other hand, learned counsel for the State opposed the bail application and submits that he has involved in one another case.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was



neither owner of the truck nor liquor has been recovered from his conscious or constructive possession. Petitioner is in custody since 27.03.2021, moreover, investigation of the crime is completed and the charge sheet has been submitted. There is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II cum Special Judge, Excise Vaishali at Hajipur in connection with Bidupur P.S.Case No. 52 of 2020 subject to the condition that one of the bailors will be the close relatives 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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