

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43275 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- MUSRIGHRARI District- Samastipur

CHANDAN KUMAR @ BAIDNATH @ VED NARAYAN KUMAR Son of
Madan Mohan Prasad Resident of Village - Chhatneshwar, P.s.- Warisnagar,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Musarigharari P.S. Case No. 125 of 2021 dated 24.09.2021
registered for the offences punishable under Sections 30(a), 36
and 41(i) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

As per prosecution case, there is alleged recovery
of 1933.56 litres foreign liquor from the truck in question. There
is allegation against the petitioner that alleged material is to be
unloaded by him at his place.



Learned counsel for the petitioner submits that petitioner is in custody since 01.05.2022 and bears criminal antecedent of four cases in which three is of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner and he has falsely been implicated in the present case on the basis of suspicion and ulterior motive. It is further submitted that petitioner was not apprehended on spot. It is further submitted that co-accused Prabhat Kumar as well as Mukesh Kumar has already been granted bail vide Cr. Misc. No. 70820 of 2021 and 26632 of 2022 respectively by Co-ordinate Bench of this Court.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on spot, also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Successor Exclusive Special Excise Court 1, Samastipur in connection with Musarigharari P.S. Case No. 125 of 2021 dated



24.09.2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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