

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43285 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- WARISNAGAR District- Samastipur

CHANDAN KUMAR @ BAIDNATH @ VED NARAYAN KUMAR Son of
Madan Mohan Prasad Resident of Village - Chhatneshwar, P.s.- Warisnagar,
Distt.- 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.Sanjay Kumar Sharma

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
Warisnagar P.S. Case No. 09 of 2022 dated 09.01.2022
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 2561.760 litres foreign liquor from the truck in question.
There is accusation against the petitioner and others to carry the
business of illegal liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.05.2022 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 no concern with the alleged truck. It is further submitted that one co-accused Lal Babu Mahto has already been granted bail by Cr. Misc. No. 34020 of 2022 by Co-ordinate Bench of this Court and the case of present petitioner stands on similar footing.

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-Special Judge Excise-2, Samastipur in connection with Warisnagar P.S. Case No. 09 of 2022, 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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