

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44322 of 2022**

Arising Out of PS. Case No.-133 Year-2017 Thana- CHERIYA BARIYARPUR District-
Begusarai

Chandahas Kumar @ Phuchia, Son of Ramvali Singh, R/o Vill. -
Maheshwara, P.S.- Nawkothe, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Cheriya Bariyarpur P.S. Case No. 133 of 2017 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, total 1273.32 litres of India made foreign liquor was recovered from a truck and other vehicles. The name of the petitioner transpired during investigation as one of the accused persons.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not named in the FIR. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He has been remanded in this case from some other case. Other co-accused persons have been granted bail by different co-ordinate Benches of this Court in Cr. Misc. Nos. 50883 of 2017 and 2393 of 2018. The petitioner is in custody since 23.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the fact that the similarly placed co-accused persons have been granted bail and also considering the submission of charge-sheet along with his period of custody, the petitioner above named 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 Exclusive Excise Judge-1, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 133 of 2017 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)

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