

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49482 of 2022

Arising Out of PS. Case No.-281 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Chandan Kumar Son Of Hari Mahto R/V- Bishunpura, Santa Tola,
Murgiachak, Ward No. -2, P.S- Khanpur, Distt- Samastipur- 848236 (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 29-11-2022

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Samastipur Mufassil P.S. Case No. 281 of 2021, registered

for the offences punishable under Sections 420, 467, 468,

471 and 120(B) of the Indian Penal Code and Section 30

(a0 and 41 (I) (ii) of the Bihar Prohibition and Excise Act

2016.

As per allegation, 2106.9000 litres of foreign made

liquor was recovered from four vehicles.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner is not named in the FIR and his name transpired only on the basis of confessional statement of the co-accused.

The petitioner has been languishing in jail since 01.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Excise Court-I, Samastipur



in connection with Samastipur Mufassil P.S. Case No. 281 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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