

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55469 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- CHANPATIA District- West Champaran

Guddu Kumar Son of Late Vijay Shah @ Vijay Prasad R/V- Dumra, Ward No. 9, P.S- Chanpatiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Chanpatiya P.S. Case No. 278 of 2022 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition Act and Excise Act.

As per prosecution case, police received secret information about the co-accused persons bringing liquor on motorcycle. Two motorcycles were intercepted and from one of the motorcycles, this petitioner was apprehended and from the said motorcycle recovery of total 43.8 litres of Nepali country



made liquor was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The police did not apprehend the real culprits who were allowed to go scot-free. The seizure list does not show the recovery from the possession of the petitioner. The search and seizure is alleged to have been made on 16.07.2022 but from the FIR seizure list it appears to have been sent on 18.06.2022 to the court concerned. The petitioner is in custody since 18.06.2022 and charge-sheet has been submitted. The petitioner has no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and the submission of charge-sheet and the 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 Special Judge, Excise, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 278 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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)

Rajnish/-

U		T	
---	--	---	--

