

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66725 of 2021**

Arising Out of PS. Case No.-186 Year-2021 Thana- PATNA RAIL P.S. District- Patna

CHANDAN KUMAR Son of Arvind Ram Resident of Village/Mohalla-
Agwanpur, Ward No. 4, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Adv
For the Opposite Party/s : Ms.Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Patna Junction P.S.Case No.186 of 2021 (Special Case No.4021 of 2021) registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case, in short, is that on secret information, search was made in a train in which six persons were carrying total 250.140 liters of wine.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case



only on the basis of suspicion. He further submits that according to FIR, only 42 pieces bottles of 500 MI Beer has been recovered from the bag. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that co-accused, namely, Rudal Kumar @ Kumar Rudal Raj has been granted bail vide order dated 20.12.2021 in Cr. Misc. No.49669 of 2021, co-accused, namely, Vijay Kumar has been granted bail vide order dated 22.01.2022 in Cr. Misc. No.55047 of 2021, co-accused, namely, Om Prakash @ Tinku has been granted bail vide order dated 22.01.2022 in Cr. Misc. No.54728 of 2021 and co-accused, namely, Sanjeet Mahto has been granted bail vide order dated 25.01.2022 in Cr. Misc. No.55399 of 2021 by this Hon'ble Court and the petitioner is in custody since 04.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Patna Junction P.S. Case



No.186 of 2021 (Special Case No.4021 of 2021) with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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