

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67761 of 2021**

Arising Out of PS. Case No.-248 Year-2021 Thana- GOPALPUR District- Bhagalpur

CHANDRA SHEKHAR KUMAR @ CHANDRA SHEKHAR MANDAL
Son of Late Jag Mohan Mandal Resident of Village- Tintanga Karari, P.S.-
Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

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

2 09-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gopalpur/Rangra P.S. Case No. 248 of 2021 registered for the
offence under Sections 30(a), 38(i) of the Bihar Prohibition
and Excise Amendment Act, 2016.

Recovery is of 60 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, nothing has been recovered
from the conscious possession of the petitioner rather the
alleged recovery has been made from the jute bag kept on
the motorcycle which does not belong to the petitioner. The



petitioner has no concern with the alleged recovery. He further submits that the police has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.07.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 A.D.J.-II -cum- Special Judge, Excise Act, Bhagalpur in connection with Gopalpur/Rangra P.S. Case No. 248 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 canceled 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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