

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62756 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- CHANDRAMANDI District- Jamui

Chandradev Paswan Son of Sulaphi Paswan R/V- Chorkatta, P.S-
Chandramandi, Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Chandramandi P.S. Case No. 116 of 2022, registered for the

offences punishable under Sections 272 and 273 of the

Indian Penal Code and Section 30(A) of Bihar Prohibition

and Excise (Amendment) Act, 2018.

As per allegation, 10 litres of country made liquor

was recovered from the petitioner.

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 search and seizure has not been made
as per the procedure prescribed under Section 100 Cr. P.C.

The petitioner has been languishing in jail since
04.07.2022.

It is also stated in paragraph no. 2 of the petition
that the petitioner has never moved before this Court for
grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that
the petitioner has earlier been made accused in one more
case.

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. Exclusive Excise Court-I, Jamui in
connection with Chandramandi P.S. Case No. 116 of 2022
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 criminal antecedent other than the disclosed one, 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)

ashishkr/-

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

