

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1180 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- BAKHARI District- Begusarai

Chandan Kumar, Son of Sharvan Sah, Resident of Village- Bakhari Bazar,
Ward no.12, P.S.- Bakhari, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar, Advocate
		Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Karandeep Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bakhri P.S. Case No. 314 of 2021 for the offences punishable under Sections 30(a) and 40 of the Bihar Excise Act.

As per prosecution case, it is alleged that the police apprehended the petitioner and on search one bottle, containing 375 Ml. of foreign liquor, and Rs.5,000/- as well as mobile have been recovered.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the alleged liquor has not been recovered from the conscious possession of this petitioner and so far as the recovery of Rs.5,000/- and mobile are concerned, the same belong to this petitioner. It is further submitted that only on account of the fact that the petitioner had earlier found involved in two other similar cases, his name has been implicated in this case and at no point of time any recovery of illicit liquor has been made. It is further submitted that the investigation of the present crime has already been concluded and charge-sheet has been submitted, though this petitioner is in custody since 06.11.2021.

On the other hand, learned APP for the State opposes the bail application of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of allegation and recovery, apart from the fact that investigation has already been concluded and charge-sheet has been submitted and the petitioner is in custody since 06.11.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in



connection with Bakhri P.S. Case No. 314 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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