

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4397 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Chandan Singh Son of Late Surendra Kumar Singh @ Late Surendra Singh
R/V- Badki Singhi P.s- Arrah Nagar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Pandey, Advovate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, 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 Arrah Muffasil P.S. Case No. 234 of 2022
registered for the alleged offences under Sections 467, 468, 477
and 420 of the Indian Penal Code and Sections 30(a), 32(iii) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, during night patrolling, a
Pick-up van was intercepted on suspicion and three persons got
down and tried to flee away and two co-accused persons were
apprehended. The apprehended co-accused persons disclosed
the name of third co-accused. On search of the vehicle, 569.520



liters of illicit Indian made foreign liquor was recovered. The apprehended co-accused Shakti Kumar Singh disclosed the name of the petitioner along with other co-accused persons who were involved in the illicit trade of liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the alleged place of occurrence. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is neither the owner nor the driver of the vehicle. The persons who were apprehended from the spot, have been granted bail by a Co-ordinate Bench of this Court vide order dated 02.12.2022 passed in Criminal Misc. No. 55908 of 2022 and order dated 14.10.2022 passed in Criminal Misc. No. 51729 of 2022. The petitioner is in custody since 22.11.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering



the period of custody of the petitioner along with the submission of charge-sheet, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st, Bhojpur at Arrah in connection with Arrah Muffasil P.S. Case No. 234 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 for 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)

Ashish/-

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

