

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3993 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- NAGAR District- Vaishali

Chandan Singh @ Chandan Kumar Singh Son Of Late Lalan Singh R/O Vill.-
Rambhadra, P.S.- Town Hajipur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.06.2022 in connection with Hajipur Town P.S. Case No. 349
of 2022, F.I.R. dated 02.05.2022 for the offences punishable
under Section 30(a) of the Bihar Prohibition and excise
(Amendment) Act, 2018.

Recovery is of total 700 ml. India Made Foreign liquor
from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by the co-accused
namely, Rakesh Kumar Singh. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been



recovered from the conscious possession of the petitioner rather the recovery has been made from the house of the petitioner. He further submits that petitioner was not apprehended at the spot and he has no concern with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twelve criminal antecedents other than the present one and out of twelve petitioner is on bail in seven cases as stated in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner was not apprehended at the spot, 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 the learned Executive Special Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 349 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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