

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3706 of 2023

Arising Out of PS. Case No.-352 Year-2021 Thana- TAJPUR District- Samastipur

CHANDAN KUMAR SON OF DINESH RAY @ DINESH RAI R/O
VILLAGE- UMEDPUR, P.S.- TAJPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a), 41(1), 41(2) of the Bihar Prohibition and Excise Act.

Altogether 164.325 litres illicit has been recovered from a Swift Dzire Car. All the accused persons were succeeded in fleeing away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather 164.325 liters of illicit liquor is said to have been recovered from a car. Petitioner has no concern either with the seized liquor or the



place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. The name of the petitioner has been transpired in this case upon the statement of local people. It is further submitted that petitioner is neither the owner nor the driver of the Maruti Suzuki Swift Desire Car. He further submits that similarly situated co-accused have been granted anticipatory bail by the Co-ordinate Bench of this Court. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court



below where the case is pending/successor Court in connection with Tajpur P.S. Case No. 352 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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