

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13457 of 2023**

Arising Out of PS. Case No.-117 Year-2022 Thana- CHANAN District- Lakhisarai

CHANDAN KUMAR S/o Naresh Yadav R/o Village- Jankidih, P.S.- Chanan,  
Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      10-05-2023      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
10.01.2023 in connection with Chanan P.S. Case No.117/2022,  
F.I.R. dated 06.08.2022, for the offences punishable under  
Sections 30(a)(b)(c) of Bihar Prohibition and Excise Act.

According to prosecution case, total 85 litres of  
country made liquor is said to have been recovered from the  
possession of the petitioner and other accused persons.

Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case. He  
further submits that it appears from the F.I.R. as well as seizure  
list that altogether 85 litres of country made liquor was  
recovered from the possession of the accused persons including



the petitioner and out of 85 litres, 30 litres of country made Mahua liquor was recovered from the motorcycle of the petitioner, which was recovered by the police along with the motorcycle. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and there is non-compliance of Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.01.2023.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

Considering the aforesaid facts and circumstances, 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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-1, Lakhisarai in connection with Chanan P.S. Case No. 117/2022, 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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