

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31239 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- NTPC District- Bhagalpur

Chhotu Kumar Son Of Adhiklal Mandal, Resident of Amapur, Police Station-
Kahalgaon, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special
Excise Case No. 1992 of 2023, arising out of N.T.P.C. Case
No. 34 of 2023, registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act and
section 414 of the Indian Penal Code.

As per allegation, 130 litres of country made liquor
was recovered from thirteen bag kept on a motor-cycle.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He further submits that Section 414 of the Cr.P.C. does not apply in the present case because he had purchased the motor-cycle from Chor Bazar, but was not aware that the seller was genuine owner of the vehicle or not.

He further submits that the petitioner has been languishing in jail since 16.04.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case and he is on bail in this case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Exclusive Excise Court No. 2, Bhagalpur, in connection with Special Excise Case No. 1992 of 2023, arising out of N.T.P.C. Case No. 34 of 2023 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds



of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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