

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44478 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- PATNA CITY CHOWK District- Patna

Chandan Kumar Son of Ashok Kumar Resident of Village- Kaumasikoh, Ps-
Chowk, Distt- Patna

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Spl.
Case No. 1556/2023 arising out of Chowk P.S. Case No. 144 of 2023
registered for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2022.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 24.03.2023.

5. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 8.64 litres of IMFL/country made liquor from a bag.

6. Learned counsel appearing on behalf of the
petitioner submitted that alleged illicit liquor appears to be recovered



from a bag, which is to aggravate and falsely implicate this petitioner arises out of his criminal antecedents, it was shown in his hand. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases of similar nature, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged illicit liquor not appears to be recovered from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Spl. Case No. 1556/2023 arising out of Chowk P.S. Case No. 144 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the



trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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