

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49687 of 2023

Arising Out of PS. Case No.-609 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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CHANDRA SHEKHAR SAH @ CHANDESHWAR SAH Son of Late Ram
Lakhan Sah Resident of village - Muria, P.S. - Sadar, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
30.04.2023 in connection with G.O.B.P. Case No.1081 of 2023
arising out of Sadar (Bhalpatti O.P.) P.S. Case No.609 of 2022,
F.I.R. dated 25.09.2022 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of total 207.900 liters of illicit liquor
from the under construction house and 09 liters from the Scooty.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he 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 nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the under construction house of the petitioner and Scooty in question. He further submits that petitioner was not apprehended at the spot and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that house in question and Scooty does not belongs to the petitioner and petitioner has no concern at all 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 custody since -30.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the recovery has been made from the house of the petitioner and petitioner carries three criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

6. 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 Exclusive Special Judge-1 (Excise Act), Darbhanga in connection with G.O.B.P. Case No.1081 of 2023 arising out of Sadar (Bhalpatti O.P.) P.S. Case No. 609 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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