

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44473 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- MAINATAND District- West Champaran

Chandan Raut S/O Late Duman Raut R/O Village- Bhagwati Nagar, Ps.
Chanpatia, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, 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
Mainatand P.S. Case No. 33 of 2023 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is not named in the F.I.R. and
is in custody since 28.04.2023.

5. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 245 litres of IMFL/country made liquor from the alleged
vehicle.

6. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not apprehended on spot and



his implication appears in this case only for the reason that he is the owner of the alleged motorcycle. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent 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 implication of this petitioner appears only being owner of seized motorcycle coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Mainatand P.S. Case No. 33 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 Exclusive Special Judge Excise, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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