

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45397 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- SHERGHATI District- Gaya

CHANDAN KUMAR Son of Umesh Prasad Resident of Village - Gularia
Chak, P.S.- Tekari, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
09.05.2023, in connection with Sherghati (Dobhi O.P.) P.S. Case
No. 248 of 2023, F.I.R. dated 05.03.2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 566.625 litres of illicit liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner was not
apprehended at the place of occurrence and nothing has been
recovered from the conscious possession of the petitioner and
the name of the petitioner has been transpired on the basis of



disclosure made by co-accused persons namely Birendra Kumar, Sandeep Kumar, Ajit Kumar and Ranjan Kumar. He further submits that except the disclosure, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused person namely Birendra Kumar @ Birendra Kumar Sharma who was apprehended at the place of occurrence has been granted bail by a Coordinate Bench of this Court vide order dated 15.05.2023 passed in Cr. Misc. No. 26011 of 2023, another co-accused person namely Sandeep Kumar @ Sandeep Kumar Soni and Ajeet Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 15.05.2023 passed in Cr. Misc. No. 26464 of 2023, another co-accused person namely Ranjan Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.05.2023 passed in Cr. Misc. No. 27796 of 2023 respectively. The petitioner is in custody since 09.05.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that out of four cases, the petitioner is on bail in three cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya in connection with Sherghati (Dobhi O.P.) P.S. Case No. 248 of 2023, 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 witness, 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 antecedents, 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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