

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47998 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAGWANPUR District- Begusarai

Chandan Kumar @ Chandan Sahani son of Satyanarayan Sahani Village-
Suryapura Ps- Bhagwanpur Dist-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
15.06.2023, in connection with Bhagwanpur P.S. Case No. 183 of
2022, F.I.R. dated 23.09.2022 registered for the offences
punishable under Section 30(a) of the Bihar Excise Act.

3. Recovery is of 4143.240 litres of *Foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case merely on the basis of confessional statement of co-
accused person. 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
recovery has been made from the Truck in question and the



petitioner is neither the owner nor the driver of the Truck in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that other co-accused person namely Murari Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 12.05.2023 passed in Cr. Misc. No. 17138 of 2023, another co-accused person namely Aditya Kumar Singh has been granted bail by a Coordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 32676 of 2023. The petitioner is in custody since 15.06.2023.

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 two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, 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 Judge 1st, Begusarai in connection with Bhagwanpur P.S. Case No. 183 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 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)

Ibrar//-

U		T	
---	--	---	--

