

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52361 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- YADOPUR District- Gopalganj

CHANDAN KUMAR S/O RAMJEE PRASAD @ SHRI RAM PRASAD
R/O Village- Gumania, P.S- Jadopur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 28.04.2023 seeks
bail, in connection with Jadopur P.S. Case No.93/2023, dated
26.04.2023, for the offences punishable under Sections 414 IPC
& Section 30(a) of Bihar Prohibition and Excise Amendment
Act, 2018.

3. According to prosecution case, total 243 litres of
country made liquor has been recovered from the car in
question.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from
perusal of the F.I.R. as well as seizure list, it appears that



nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the car in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the car in question. He further submits that the petitioner is neither the owner nor the driver of the car in question and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was apprehended at the spot along with other co-accused.

6. Considering the aforesaid facts and circumstances, 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 Additional Sessions Judge-II-cum-Special Judge, Excise-I, Gopalganj in connection with Jadopur P.S. Case No.93/2023, subject to the following conditions:-

1. Learned trial court is directed to verify the genuineness of the petitioner that whether the petitioner is



owner of the vehicle in question and if the petitioner is found to be the owner of the alleged vehicle in question, the bail bond of the petitioner should not be accepted.

2. 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.

3. 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.

4. 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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