

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54193 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- FATUA District- Patna

CHANDAN SINGH @ CHANDAN KUMAR Son of Late Sidheshwar Singh
Resident of village - Balwa Lachhu Tola, P.S. - Fatuha, Distt. - Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Adv.
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 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 26.05.2023 seeks bail, in connection with Fatuha P.S. Case No.350/2023, dated 11.05.2023, for the offences punishable under Sections 30(a), 45 of the Bihar Prohibition and Excise (Amendment) Act and Section 27 of the Arms Act.
3. According to prosecution case, total 100 litres of country made liquor has been recovered from the darwaza of Arvind Yadav.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made



from the house of co-accused namely Arvind Yadav. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and he was not apprehended at the spot. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one.

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 Exclusive Special Court of Excise, Patna City in connection with Fatuha P.S. Case No.350/2023, arising out of Excise G.R. No.334/2023, 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 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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