

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58792 of 2023

Arising Out of PS. Case No.-187 Year-2023 Thana- FORBESGANJ District- Araria

Pintu Chauhan S/O Shankar Chauhan Village- Refugee Colony, Dhatta Tola,
Ward No. 07, Ps- Forbesganj, Dist- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Forbesganj P.S. Case No. 187 of 2023, lodged on 05.03.2023, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, and Section 8/20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution, recovery of 108 liters of Nepali Wine and 24 Kg of Ganja has been the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the content of the FIR it is crystal clear that neither Nepali Wine or Ganja has been recovered from the possession



of the petitioner. Those recovery has been made from the motorcycle and motorcycle does not belong to the petitioner. Counsel further submits that only thing against him that there is three criminal cases pending against him. It is due to the reason the police has put his name in the present case. The petitioner is in custody since 03.06.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that from the content of the FIR it transpires that the petitioner was not apprehended at the place of occurrence but he has been identified by the independent witness that the person who fled away is the petitioner.

6. Upon specific query of the counsel that whether charge has been framed in this case or not. Counsel submits that he is completely unaware that charge has been framed or not.

7. In this view of the matter, let the petitioner, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Araria, in connection with Forbesganj P.S. Case No. 187 of 2023, corresponding to Special Case No.18 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of



Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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