

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61666 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

=====

Chandan Kumar Son of Gulab Yadav Resident Of Village Amni Ward No 7
P.S Mansi District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
05.08.2023, in connection with Excise Case No. 778C3 of 2023
arising out of Excise P.S. Case No. 323 of 2023, F.I.R. dated
05.08.2023 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 60 litres of Indian made Chulai
liquor along with equipment of making liquor.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that altogether 60



litres of Indian made *Chulai* liquor has been recovered from the place of occurrence and apart from the aforesaid a number of equipments have also been recovered from there. He further submits that there is non compliance of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.08.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the petitioner having clean antecedent, 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 Court of Special Excise Judge 2nd, Khagaria in connection with Excise Case No. 778C3 of 2023 arising out of Excise P.S. Case No. 323 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)

Ibrar//-

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

