

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64616 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- KOTWA District- East Champaran

CHHOTU KUMAR S/O RAMJINIS PRASAD VILL SAWANGIYA, PS-
MADHUBAN, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kotwa P.S. Case No. 278 of 2023 registered on 23.07.2023
lodged under Sections 272, 273 of the Indian Penal Code and
under Section 30(a), 32, 36, 41 of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. As per the prosecution case, total recovery of 741.6
litre country made foreign liquor is the subject matter of this
case.

4. Counsel for the petitioner submits that name of the
petitioner has figured in this case on suspicion and charge sheet
has already been filed. Petitioner is in custody since 25.07.2023.



5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that he has clean antecedent and the present case has been instituted against 15 persons including the petitioner and the alleged liquor was recovered from a pick up van and 9 litre of liquor was recovered from a Maruti Car in which the petitioner was sitting is alleged to be the liner.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Kotwa P.S. Case No. 278 of 2023, subject to the condition laid down under Section 437(3) of Cr.P.C.

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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