

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67134 of 2022**

Arising Out of PS. Case No.-435 Year-2022 Thana- BEUR District- Patna

Chhotu Kumar @ Gonga Son of Late Umesh Singh R/o- Sipara, P.S.- Beur,  
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gajanan Mishra

For the Opposite Party/s : Mr. Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      03-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with Beur  
P.S. Case No. 435 of 2022 corresponding Special Case No.  
5204 of 2022, registered for the offences punishable under  
Sections 30(a) and 37 of the Bihar Prohibition and Excise  
Act, 2016.

As per allegation, 100 liters of country made liquor  
has been recovered from a place near Bishnupur Pakri  
Pokhar.

Ld. counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner was neither in drunken condition nor he was seated at the alleged place. In fact, he just passing through the said place.

He further submits that the petitioner has been languishing in jail since 28.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special



Judge Excise Act, Patna in connection with Beur P.S. Case  
No. 435 of 2022 on the following conditions:

(i) The petitioner will make himself available for  
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that  
investigation/trial will not hamper on account of his absence  
or non-cooperation. He must be available to the police or the  
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly  
make any inducement, threat or promise to any person  
acquainted with the facts of the case so as to dissuade him  
from disclosing such facts to the court or to any police  
officer.

(iv) In case, it is brought to the notice of the court  
below that the petitioner has any criminal antecedents, Ld.  
court below shall cancel the bail bonds of the petitioner after  
hearing him and getting satisfied that the petitioner has  
concealed his criminal antecedents despite his knowledge of  
the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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