

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76561 of 2023

Arising Out of PS. Case No.-170 Year-2021 Thana- PATAHI District- East Champaran

Chandan Singh Son Of Shambhu Singh @ Shambhu Kumar Singh @
Shambhu Kr Singh Resident Of Village -Khutauna, Ps- Patahi, Distt- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Patahi P.S. Case No. 170 of 2021 dated 22.09.2021, instituted
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. There is recovery of 54 liters of Nepali liquor from a
bag kept in the dicky of the motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. It is further submitted that petitioner has no concern with
the alleged motorcycle from which the liquor has been seized.
The petitioner has been made accused only on the basis of



disclosure made by the villagers. The said motorcycle does not belong to him. The petitioner has become victim of the circumstance. Three criminal cases are pending against the petitioner since before as per statement made in para 3 of the bail petition.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, Motihari, East Champaran, in connection with Patahi P.S. Case No. 170 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C as also 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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