

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74746 of 2023

Arising Out of PS. Case No.-414 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Chintu Kumar Son Of Gopal Sah Resident Of Village- Chandopatti, Ps-
Karpurigram, Distt- Samsatipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No.414 of 2023, lodged on 12.09.2023,
under Section 272/273/414 of the Indian Penal Code and under
Sections 30(a)/36/37/41(i)(ii) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged in this
case where recovery of 207.93 liters of liquor has been made
from Scorpio and Swift Dzire vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that he is the owner of the vehicle Swift Dzire from where



recovery of 104.25 liters of liquor has been made. The petitioner is in custody since 13.09.2023 having no criminal antecedent. Counsel further submits that under a deep rooted conspiracy he was arrested. Counsel further submits that there are gross violation of Section 100 of the Cr.P.C. Counsel also submits that petitioner was apprehended from the place of occurrence and not tried to flee away from the place of occurrence which itself shows his innocence about the presence of wine in his vehicle.

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

6. Upon specific query that whether charge has been framed in this case or not. Counsel submits that as per his knowledge charge has not been framed in this case.

7. In the present facts and circumstances of this case and the submissions made above, 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 Special Excise Judge, Court No.1, Samastipur, in connection with Muffasil (Mufassil) P.S. Case No.414 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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