

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78453 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- GAIGHAT District- Muzaffarpur

=====

CHANDAN JAISWAL @ CHANDAN KUMAR JAISWAL @ CHANDAN
KUMAR SON OF MAHENDRA SAH RESIDENT OF VILLAGE- ROHUA
RAJARAM, R.K. ASHRAM, PS- MUSHARI, DISTT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Chandra, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Gaighat P.S. Case No. 311 of 2023 for the offence registered under sections 272, 273, 420, 467, 468 and 471 of the Indian Penal Code and sections 30(a), 32, 36 and 41(i) of the Bihar Prohibition and Excise Act lodged on 08.08.2023 by the informant Monu Kumar.

3. As per the prosecution story, on secret information from the excise officials, the police reached the cement godown where the vehicles were parked and altogether 3272.04 litres



liquor recovered/seized. It was informed that the cement godown belongs to Mritunjay Jha and the accused persons including this petitioner is his associate. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the car does not belong to him, admittedly, the cement godown is of Mritunjay Jha who may be doing the business of selling the liquor but his name has been dragged. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 10,000/- on his own to the Chief Minister's Relief Fund.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that as per the information, he is one of the associates of Mritunjay Jha.

6. Taking into account the submissions put forward by the parties as also the fact that he do not have criminal antecedent, admittedly the car does not belong to him and the cement godown is owned by Mritunjay Jha, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 10,000/- as stated above and undertaken by the learned Counsel for the petitioner.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the



order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act-III, Muzaffarpur in connection with Gaighat P.S. Case No. 311 of 2023 subject to condition as laid down under Section 438(2) of the 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 the aforesaid observations, the anticipatory
bail application stands allowed.

(Rajiv Roy, J)

Neha/-

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

