

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.213 of 2023

Arising Out of PS. Case No.-372 Year-2022 Thana- CHAKAND District- Gaya

CHHOTELAL PRASAD S/O LATE RANJAN YADAV Resident of village-
Dallibigha, P.S.- Belaganj, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
11.11.2022 in connection with Chakand P.S. Case No. 372 of
2022, F.I.R. dated 10.11.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2022.

Recovery is of 30 liters of country made liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case only on the basis of previous criminal history. Further
submits that it appears from the FIR as well as the seizure list
that 30 liters of country made Mahua liquor was recovered from
the motorcycle in question. Further submits that nothing has



been recovered from conscious possession of the petitioner and there is non-compliance of Section 100 of Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise I, Gaya in connection with Chakand P.S. Case No. 372 of 2022, with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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