

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3603 of 2023

Arising Out of PS. Case No.-117 Year-2021 Thana- CHANPATIA District- West Champaran

Chanar Sah Son of Late Raghunath Sah R/V- Grabhua Lala Tola, P.S-Sirisiya
O.P Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
05.09.2022 in connection with Chanpatiya Sirisiya O.P. P.S.
Case No. 117 of 2021, F.I.R. dated 18.02.2021 for the offences
punishable under Sections 30(a), 30(b) and 30(c) of the Bihar
Prohibition and Excise Act.

Recovery is of 10 liters of illicit liquor.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that it appears from the F.I.R. as well as seizure



list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from near the place of occurrence. He further submits that the name of the petitioner has been transpired on the basis of the previous criminal antecedents of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 4 more cases other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in two cases.

Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Chanpatiya Sirisiya O.P. P.S. Case No. 117 of 2021, subject 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 shall remain physically present as directed 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. 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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