

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5731 of 2023

Arising Out of PS. Case No.-677 Year-2020 Thana- CHANPATIA District- West Champaran

CHANAR SAH S/o Late Raghunath Sah R/o Village- Grabhua Lala Tola,
P.S.- Sirisiya O.P., Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.09.2022, in connection with Chanpatiya Sirisiya P.S. Case
No. 677/2020, F.I.R. dated 30.12.2020, for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

According to prosecution case, five litres of country
made liquor is said to have been recovered from the *bhathi* of
the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
and the seizure list that nothing has been recovered from



conscious possession or the house of the petitioner rather the recovery has been made near the canal and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner was not apprehended on the spot. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.09.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four criminal antecedent other than the present one.

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 P.S. Case No. 677/2020, 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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