

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40108 of 2024

Arising Out of PS. Case No.-1134 Year-2019 Thana- KANKARBAG District- Patna

Chhotu Kumar @Birendra Prasad S/O Sikendra Prasad R/O Changar Samrat
Colony P.S. Kankarbagh District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kankarbagh P.S. Case No. 1134 of 2019 (Special Case No. 10514 of 2019) for the offence registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act lodged on 25.11.2019 by the informant, Chandrashekhar Kumar Aazad.

3. As per the prosecution story, police upon secret information reached the place and though some of the accused persons managed to escape, Chandan Kumar, Slok Kumar and Chotu Rai@ Langra were apprehended and a total of 77.600 litres of country made liquor was recovered. Two of them were in drunken position. The said Chotu Rai named the petitioner as



one of the persons who fled away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from the three accused persons named above. His name has come in the confession and further has no role to play nor has he any criminal antecedent.

5. Learned APP opposes the prayer submitting that his name has come in the confessional statement.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that he do not have criminal antecedent, let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court-I, Patna, in connection with Kankarbagh P.S. Case No. 1134 of 2019 (Special Case No. 10514 of 2019) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 his 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 his bail bonds.

(Rajiv Roy, J)

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