

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70437 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- JADIA District- Supaul

Chanchal Kumar Son Of Dilip Yadav @ Dileep Kumar R/O Machaha, P.S.-
Triveniganj, And Dist.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-11-2024 Heard Mr. Sanjeev Verma, learned counsel for the

petitioner and Md. Mushtaque Alam, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
17.06.2024, in connection with ST Excise Case No. 517/2024
arising out of Jadia P.S. Case No. 83/2024, FIR dated
26.05.2024 registered for the offence under Sections 30(a) of the
Bihar Prohibition & Excise (Amendment) Act.

3. Recovery is of 112.92 litres of english liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that the allegation as
alleged in the FIR is false and fabricated and petitioner has not
committed any offence as alleged in the FIR. He further submits
that the name of the petitioner has been transpired during the



investigation on the basis of the confessional statement of the co-accused person, namely, Bablu Kumar and from a bare perusal of the FIR it appears that nothing has been recovered from the possession of the petitioner rather recovery has been made from the car in question. He further submits that petitioner is neither the driver nor the owner of the vehicle in question. He further submits that co-accused person, namely, Bablu Kumar has been granted bail by this Court vide order dated 25.09.2024 passed in Cr. Misc. No. 67544 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 17.06.2024.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits on the basis of the para-3 of the bail application that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts, let the, above named, petitioner 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, Supaul in connection with ST Excise Case No. 517 of 2024 arising out of Jadia P.S. Case No. 83 of 2024 with the following conditions:-

(i) 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 canceled by the Court below.

(ii) 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.

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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