

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84574 of 2023

Arising Out of PS. Case No.-445 Year-2023 Thana- CHHATAUNI District- East Champaran

Chhotelal Kumar S/O Prabhu Sah @ Prayu Sah R/O Village- Bada Bariyarpur
Ward No. 43, P.S- Chhatauni, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Chhatauni P.S. Case No. 445 of 2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, 53.820 litre foreign liquor
was recovered from bush situated near the house of co-accused
Mukesh Kumar and petitioner apprehended on spot. It is further
alleged that petitioner disclosed the name of co-accused Mukesh
Kumar and Sandip Kumar who succeeded in fleeing away from
place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner has been apprehended on spot on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioner is in custody since 17.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Chhatauni P.S. Case No. 445 of 2023, subject to the following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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