

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85678 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- TAJPUR District- Samastipur

Chandan Kumar SON OF HARENDRA RAY @ VYAS RESIDENT OF
VILLAGE- MIRZAPUR, PS- TAJPUR, DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 442 of 2022 registered for the offences punishable
under Sections 30(a), 41(i) (ii) of Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, 454.710 litre illicit foreign
liquor was recovered from Ratnaha Chaur and co-accused Sumit
Kumar was apprehended on the spot and he disclosed that
petitioner and others had come for purchasing the said liquor
and they managed to escape from the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this



case. He further submits that petitioner is not apprehended on the spot. The alleged recovery has been made from Ratnaha Chaur which is an open place and same is accessible to all. No incriminating article has been recovered from conscious possession of the petitioner. Except disclosure of co-accused Sumit Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is in custody since 20.10.2023 and bears criminal antecedent of one case in which he is on bail. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 Special Judge (Excise)-2, Samastipur in connection with Tajpur P.S. Case No. 442 of 2022, subject to 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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