

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2612 of 2024

Arising Out of PS. Case No.-173 Year-2022 Thana- Excise P.S. District- Samastipur

Chandan Kumar Ray @ Chandan Kumar S/O Harendra Ray R/O Village
-Mirjapur P.S.-Tajpur, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Excise P.S. Case No.173 of 2022, lodged on 11.06.2022, under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per the prosecution, FIR has been lodged against
two persons including the present petitioner. As per FIR, the
total recovery of 227.250 liters of liquor has been made from the
hut and open field of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the said recovery was made from a hut and in the
open field near a tree. Counsel submits that the said recovery



has been made not from the possession of the petitioner and petitioner is innocent. Counsel further submits that petitioner is in custody since 10.11.2023. He is accused in one more criminal case, in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and earlier he was accused in excise case itself.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **after framing of the charge, if not framed, and upon ascertaining that in other criminal case, i.e., Tajpur P.S. Case No.442/2022, he is not absconding** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Samastipur, in connection with Excise P.S. Case No.173 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bonds by the Trial Court itself;

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(iv) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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