

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5611 of 2025

Arising Out of PS. Case No.-102 Year-2023 Thana- KOTWA District- East Champaran

Chandan Dhanger, S/o- Late Kari Dhanger, Village- Dipau Dhanger Toli, Ps-
Kotwa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Kotwa P.S. Case No. 102 of 2023 registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of involved in trade of illicit wine. The police conducted raid and recovered 25 liters of country made liquor from the hutment of the petitioner. It is also alleged that 200 liters of semi prepared liquor has also been destroyed. However, on noticing the police party, the petitioner and co-accused persons managed to flee



away.

4. Learned Advocate appearing on behalf of the petitioner contended that admittedly the petitioner was neither apprehended at the place of occurrence, nor any incriminating material has been recovered from his conscious and constructive possession. On account of the past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case and later on the petitioner after being apprehended in connection with Kotwa P.S. Case No. 255 of 2024, he has been remanded in this case on 19.10.2024. The petitioner has neither any concern with the recovered liquor, nor there is any other material suggesting the complicity of the petitioner in the crime. Moreover, the investigation of the crime is complete and now the petitioner has been incarcerated since 19.10.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the chargesheet has been submitted, coupled with the fact that the alleged recovery has been made from an open place easily accessible to all, let



the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Judge-I, Motihari, East Champaran in connection with Kotwa P.S. Case No. 102 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

