

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55297 of 2017

Arising out of P.S. Case No.-188 Year-2017 Thana- BASANTPUR
District- Siwan

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Prakash Shah @ Om Prakash Shah, Son of Raghunath Shah,
resident of Village- Sariah, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s: Smt. Anusuiya Jaiswal, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 23-11-2017 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in a case registered for offences under Sections 272, 273 and 308 of the Indian Penal Code and Section 30 of the Bihar Prohibition and Excise Act, 2016.

It is contended that, as per allegation, the petitioner along with other co-accused was unloading illicit liquor from pick up van and keeping it on the motorcycle, however, seeing the raiding police party they escaped. Allegedly, 219 litres of foreign liquor was recovered from the pick up van



and about 20 litres of foreign liquor was recovered from the motorcycle.

Learned counsel for the petitioner submits that though it is stated in the FIR that petitioner and other persons escaped from the scene, however, they were identified by the Chowkidar and police personnel but neither the name of Chowkidar nor the police personnel who had actually identified the petitioner has been disclosed in the First Information Report. It has been categorically stated in paragraph 7 that neither discovered motorcycle nor the Maximo vehicle/van belongs to the petitioner. It is contended that petitioner has merely been implicated on the basis of suspicion and is languishing in jail since 25.07.2017, thus, he has already remained in custody for about four months. It is claimed that the petitioner is having clean antecedent.

Considering the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Basantpur P.S. Case No. 188 of 2017 with a condition that one of the bailors of the



petitioner must be his father and further condition that one of the bailors of the petitioner(s) must be the close relative or his family member, who will file affidavit before the court below giving full genealogy showing his or her relationship with the petitioner.

Further, if the petitioner, after his release in this case, is again found to be involved in criminal case of similar nature, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

(Dr. Ravi Ranjan, J)

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