

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23655 of 2020**

Arising Out of PS. Case No.-293 Year-2020 Thana- SAHAYAK NAGAR District- Katihar

Shankar Singh @ Shankar Kumar Singh, Son of Brijnandan Singh, R/O-
Hawai Adda, P.S.- Sahayak, Distt.- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 15-10-2020 Learned counsel for the petitioner undertakes to remove

all the defects pointed by the Stamp Reporter within three weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Amit
Kumar Rakesh, learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail

in connection with Katihar Sahayak P.S. Case No. 293 of 2020

registered for the offences punishable under Sections 30(a) of Bihar
Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the

allegation when the Police party reached near the house of one
Upendra Sahni the informant who is the Officer Incharge of the
Police Station saw two persons on a motorcycle who started fleeing
away on seeing the Police party. It is alleged that the apprehended



person disclosed the name of fleeing away person as Shankar Singh (the petitioner) and alleged that he is doing this business with this petitioner.

Learned counsel submits that the petitioner has been falsely implicated in this case, he has no criminal antecedent and no independent witness has come forward to identify the petitioner.

It is further submitted that the petitioner has no concern with the alleged recovered wine. As regards the vehicle in question learned counsel submits that he has filed an affidavit today stating that the vehicle does not belong to the petitioner. The petitioner has otherwise no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but in the given facts and circumstances of the case where there is no identification of the petitioner by an independent witness and neither the vehicle belongs to the petitioner nor any other material has been brought to the notice of this Court and the petitioner has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Katihar in connection with Katihar Sahayak P.S. Case No. 293 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that 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 step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

