

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.13522 of 2021**

Arising Out of PS. Case No.-358 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

SHIV SHANKAR, S/O Dhaneshwar Paswan, Resident of Village - Bengahi  
Ward No. 11, P.S. Baigania, District – Sitamarhi. .. ... Petitioner  
Versus

The State of Bihar ... ... Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar, Advocate  
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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

2      27-07-2021                      Learned counsel for the petitioner undertakes to  
  
remove all the defects as pointed out by office within four  
  
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in  
  
connection with Case No. C2/358/2020 registered for the  
  
offence punishable under Section 30(a) of Bihar Prohibition and  
  
Excise Act.

As per the prosecution story, on 24.09.2020 while the  
  
informant was on patrolling duty along with police forces  
  
reached at Boarder Pillar No. 344 and arrested one person  
  
namely Shiv Shankar (petitioner). On search, the informant  
  
recovered 900 bottles each containing of 300 Ml total 270 litres  
  
of Nepali Saufi wine from a Maruti car. The informant seized

the said wine and Maruti car.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing incriminating has been recovered from the possession of the petitioner. Petitioner is in custody since 24.09.2020 having no criminal antecedent.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that the petitioner was apprehended with 270 litres of Nepali Saufi liquor, however, the submission being that the petitioner has no criminal antecedent and he is in custody in connection with this case since 24.09.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.II-cum-Special Judge, Excise Act, Sitamarhi in connection with Case No. C2/358/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with

the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajeev Ranjan Prasad, J)**

vats/-

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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'.