

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14428 of 2021**

Arising Out of PS. Case No.-756 Year-2020 Thana- ARARIA District- Araria

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SHAHDEO PRASAD YADAV Son of Late Sitaram Prasad Yadav Resident of
Maya Bigha, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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

2 17-06-2021 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 learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Special Case No.762 of 2020 arising out of

Araria (R.S.) P.S. Case No.756 of 2020 registered for the

offences punishable under Sections 30(a) and 36 of the Bihar

Prohibition and Excise Act, 2016.

As per the prosecution story the informant who is sub-

Inspector of Police got a secret information that spirit is being

transported illegally in Bihar from Bengal. On receiving this



information, the informant along with other police personnel reached at Hariyabada toll plaza and started checking the vehicle. It is alleged that on seeing the police party a driver of 10 wheeler truck started fleeing away, but on chase he was apprehended. On interrogation, he disclosed his name as Shahdeo Prasad Yadav (driver). The truck bearing Reg.No.BR-25-A-9299 was searched in presence of two witnesses and 8000 liters of spirit was recovered from the truck kept in 40 drum each containing 200 liters.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that petitioner is a driver and he has no concern with the alleged seized spirit. It is submitted that the petitioner is in custody in connection with this case since 17.09.2020 and he has otherwise no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submissions of learned counsel for the petitioner that the petitioner is the driver of the vehicle which was allegedly carrying the spirit, however the petitioner is in custody in connection with this case since



17.09.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future and there being no submission on behalf of the State that his release is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released 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 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No.762 of 2020 arising out of Araria (R.S.) P.S. Case No.756 of 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)

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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'.

