

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14449 of 2021**

Arising Out of PS. Case No.-235 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

=====

SHANKAR KESHARI S/o Late Chandi Prasad Kehsari Resident of Village-
Bhachhiyar Kali Mandir, Ward No.25, P.S. and District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

=====

**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 Case No. 235 C2/2020 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and Excise
Act.

Learned counsel for the petitioner submits that as per
the prosecution story informant got secret information that
petitioner is involved in illegal trade of liquor. The informant
accordingly raided the house of the petitioner from where a total



36.25 litres illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the house from where the illicit liquor has been recovered is a joint family house and it cannot be said to be in conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 21.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per allegations there is a recovery of 36.25 litres of illicit liquor from the house of the petitioner but the said house is a joint family house and it cannot be said to be in conscious possession of the petitioner, the petitioner has remained in custody since 21.10.2020, investigation against him is complete and in the two cases stated in paragraph '3', the petitioner is on bail, let the petitioner above named be released on bail on furnishing of 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, Jamui in connection with Case No. 235 C2/2020 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

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'.

