

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14543 of 2021**

Arising Out of PS. Case No.-202 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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SHIV SHANKAR PRASAD YADAV @ SHIV SHANKAR PRASAD @
SHIV SHANKAR RAY Son of Late Laldev Rai Resident of Village - Sahdai
Buzurg, Balua, P.S.- Desari, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate.
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-06-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State in absence of Mr. Rajesh
Kumar, learned APP.

The petitioner in the present case is seeking regular bail
in connection with C.I. Case No. 202 of 2020 registered for the
offences punishable under Section 30 (A) of the Bihar Prohibition
and Excise Act 2016.

Learned counsel for the petitioner submits that as per
the prosecution story, total 750.750 liters of illicit country-made
foreign liquor has been recovered from the vehicle of the



petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that petitioner was just the driver of the seized vehicle, the said vehicle belongs to one Sanjay Kumar Chaudhary. The petitioner is in custody since 19.11.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this petitioner is said to be the driver of the vehicle in question, the vehicle belongs to one Sanjay Kumar Chaudhary and the petitioner is in custody in connection with the present case since 19.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Purnia in connection with C.I. Case No. 202 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands 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'.

