

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16203 of 2021**

Arising Out of PS. Case No.-178 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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SHIVSHANKAR ROY Son of Late Deepak Roy Resident of Village - Sakin -
Champarsi, Samannagar, Ward No.46, P.S.- Pradhan Nagar, Distt.- Darjiling
(West Bengal). Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Raj Kumar,Advocate
For the Opposite Party/s : Ms.Sucheta Yadav,APP

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

2 25-06-2021 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 this Court.

Heard learned counsel for the petitioner and Ms.
Sucheta Yadav, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with C.I. Case No. 178 of 2020, P.R. No.
09/09.10.2020 registered for the offences punishable under
Sections 30(a) and 56(b) of the Bihar Prohibition and Excise
Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant on secret information
intercepted a Tata pickup van and on search of the vehicle, total
990 liters of foreign liquor was recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is neither the driver of the said vehicle nor the owner of the vehicle. The petitioner is in jail since 09.10.2020 having no criminal antecedent.

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

Taking into consideration the submission of learned counsel for the petitioner that the petitioner is neither the owner of the vehicle nor the driver of the vehicle and he has got no criminal antecedent but has remained in jail in connection with the present case since 09.10.2020, investigation against him is complete but the trial is not likely to be taken up in near future, 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 (Excise), Purnea in connection with C.I. Case No. 178 of 2020, P.R. No. 09/09.10.2020, 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'.

