

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17923 of 2021**

Arising Out of PS. Case No.-420 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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SHANKER DAS @ SHANKER KUMAR Son of Surya Narayan mahto
Resident of Village - Madhu Tole, Police Station - Khanpur, District -
Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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

2 02-07-2021 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 Ms. Rita
Verma, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Samastipur (Muffasil) P.S. Case No. 420 of 2020
registered for the offences punishable under Sections 30(A) of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, total 250 litres 85 ml. country made foreign liquor
has been recovered from a Bolero vehicle which belongs to this
petitioner.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is owner of the said vehicle and he has no concern with the loaded illicit liquor as the vehicle was with the driver and he was not aware regarding the loading of liquor. The petitioner is in custody since 20.12.2020 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 as per the allegation 220 litres illicit liquor were recovered from the bolero which belongs to the petitioner, the submission being that the said bolero vehicle was handed over to the driver and the petitioner was not aware of the loading of illicit liquor in the bolero, he has otherwise no criminal antecedent and has remained in custody in connection with the present case since 20.12.2020, 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 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 Addl. Sessions Judge-II and cum-Special Judge, Excise Act, Samastipur, in connection with Samastipur (Muffasil) P.S. Case No. 420 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'.

