

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18034 of 2021**

Arising Out of PS. Case No.-361 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

SHANKAR MAURYA SON OF SHIV KUMAR SINGH R/O VILLAGE-
KEWRHI, , P.S.- KUDRA, DISTRICT- KAIMUR (BHABUA).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha,Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh,APP

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

2 14-07-2021 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 Mr. Shyam Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kudra P.S. Case No. 361 of 2020 registered for the offences punishable under Sections 30(A) of Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the police raided the house of the petitioner and from the Chhajja of the house on first floor 350 liters of Mahua Jawa liquor has been seized and the same has been destroyed on the spot and further 10 liters of mahua country-made liquor kept in two plastic box has been seized.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged recovery of Jawa Mahua is from the outside of the house kept on Chhajja and there is no independent witness of destruction of the same. The petitioner is in custody since 08.12.2020 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 it is the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in this case, the recovery of Jawa Mahua allegedly kept on Chhajja outside the house has been destroyed by Police and there is no witness of the same, the petitioner is in custody since 08.12.2020, investigation against him is complete and he has otherwise has no criminal antecedent, considering these things, 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 2nd Additional Sessions Judge -cum-Special Judge, Excise, Kaimur at Bhabua in connection with Excise Case No. 907 of 2020 arising out of Kudra P.S. Case No. 361 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'.

