

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18055 of 2021**

Arising Out of PS. Case No.-67 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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SHUBHAM KUMAR S/o Krishnadev Chaurasiya Resident of Village-
Jhanjhara, P.S. - Pasraha, District - Khagariya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 16-07-2021 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 Excise Complaint Case No. 67/2020

registered for the offences punishable under Section 30(a) of the

Bihar Prohibition & Excise Act, 2018.

As per the prosecution story, while the informant was

checking the vehicles at village Dewasi near Chandan Katoriya

road, in the meantime, one Bolero Pick Up van was coming, he

stopped the vehicle and saw three persons were there in the

vehicle, on enquiry they told their names as Chandan Kumar,



Shubham Kumar and Kundan Kumar and on search total 547.5 liters of illicit foreign liquor were recovered from the vehicle in question.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is the owner of the vehicle, he has no criminal antecedent and he is in custody since 20.08.2020.

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 the petitioner is said to be the owner of the seized vehicle, he has got no criminal antecedent and he has remained in custody in connection with this case since 20.08.2020, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II, Banka, in connection with Excise Complaint Case No. 67/2020, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

