

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18814 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- KATORIYA District- Banka

Md. Shamsheer Son Of Abdul Sattar R/O Village- Kotal Adda, P.S.-
Topchanchi, District- Dhanbad (JHARKHAND).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30a/56D of the Bihar Prohibition and Excise Act.

As per the prosecution case, 342 liters of foreign liquor was recovered from a pick up van of which petitioner was the driver. He was arrested on the spot.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery as he was merely the driver of the vehicle and was not aware of the nature of the consignment loaded on the said vehicle. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 12.11.2020.

Learned counsel appearing for the State opposes the



prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that petitioner has got clean antecedent and he is in custody for more than six months, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II, Banka in Katoriya Police Station Case No. 230 of 2020/ Special Excise Case No. 666 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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