

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22625 of 2021**

Arising Out of PS. Case No.-407 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

SHUBHAM KUMAR, Son of Sikandar Poddar, Resident of Village- Bari
Balua, P.S.- Balua, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

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

For the Opposite Party/s : Mr.Rajesh Kumar, A.P.P.

=====

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

2 17-08-2021 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 Mr.

Rajesh Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with S. Kamal P.S. Case No. 407 of 2020 registered

for the offence punishable under Section 30(a) of Bihar Excise

Act.

Learned counsel for the petitioner submits that name

of the petitioner has been disclosed by the apprehended person

saying that the recovered 50 litres of illicit liquor belongs to

this petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has not been apprehended on the spot. His name has been disclosed by the apprehended person and nothing has been recovered from the possession of the petitioner. Petitioner has no criminal antecedent and he is in jail since 07.01.2021.

Mr. Rajesh Kumar, 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 it is the submission of learned counsel for the petitioner that the recovery of illicit liquor is from the co-accused, he is in custody since 07.01.2021, he has otherwise no criminal antecedent, 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 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 District and Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with S. Kamal P.S. Case No. 407 of 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)

vats/-

U		T	
---	--	---	--

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'.