

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23675 of 2021**

Arising Out of PS. Case No.-3 Year-2021 Thana- FESHAR District- Aurangabad

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SHASHI KUMAR S/O LATE RAM NARESH SINGH R/O VILLAGE-
DEOKALI, P.S-DAUDNAGAR, DISTRICT-AURANGABAD.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok 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 20-09-2021 At the outset, learned counsel for the petitioner prays to allow him to carry on a correction in paragraph ‘1’ of the petition. It is submitted that the correct case number is Fesar P.S. Case No. 3 of 2021 which is correctly recorded in prayer portion but in paragraph ‘1’ it has been wrongly recorded as Aurangabad (Town) P.S. Case No. 98 of 2020.

Ms. Rita Verma, learned APP for the State has no objection to the same.

Let the correction be carried out and the correct case number be read as Fesar P.S. Case No. 3 of 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 Fesar P.S. Case No. 3 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has got no criminal antecedent. The petitioner is in custody in connection with this case since 09.01.2021.

Learned counsel for the petitioner submits that the recovery of 292.50 liters of liquors has been shown from bolero vehicle and this petitioner is said to have been arrested along with co-accused while trying to flee away but the seizure list has not been prepared in presence of independent witnesses and it is only the two Sipahis of the raiding party who are the seizure list witnesses.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the petitioner has remained in custody since 09.01.2021 and investigation against him is complete, 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 Additional

District and Sessions Judge, II cum Special Judge, Excise,
Aurangabad in connection with Fesar P.S. Case No. 3 of 2021
subject to the conditions as laid down under Section 437(3)
Cr.P.C.

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'.