

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27673 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

Shankar Kumar, Son of Ravindra Sao, Resident of Village and P.S.-
Noorsarai, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-10-2021 Heard learned counsel for the petitioner and Mr.
Jagdhar Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Ramkrishna Nagar P.S. Case No. 54 of 2021 registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and (Amendment) Excise Act, 2018. He is in custody since 12.02.2021. The petitioner has otherwise no criminal antecedent.

As per the prosecution story, while the informant along with police force were on checking and raiding against illegal wine, in the meantime, he received information that in Ramkrishna Nagar a Tempo loaded with illegal wine is standing and the accused person carrying the said Tempo for selling the illegal wine. The informant further alleged that when he reached



near the Khushi Marriage Hall, thereafter on seeing the police party the driver of the Tempo started flee away but apprehended by the police and disclosed his name as Shankar Kumar (the petitioner). On search, the informant recovered 265.250 liters of illegal foreign liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that petitioner is said to be the driver of the Tempo from which the alleged illicit liquors were seized, however he is in custody since 12.02.2021 having no criminal antecedent.

Mr. Jagdhar Prasad, 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 this petitioner is said to be the driver of the Tempo from which 265.250 liters of illegal foreign liquor has been recovered, however the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 12.02.2021, 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 Special Judge,



Excise, Patna in connection with Ramkrishna Nagar P.S. Case No. 54 of 2021, subject to the condition 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.

(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'.

