

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29357 of 2021**

Arising Out of PS. Case No.-92 Year-2021 Thana- NARPATGANJ District- Araria

SHIV KUMAR ROY S/o Maro Roy Resident of Village- Kurhaili Ward No.8,
P.S.- Forbesganj, District- Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Kumar Ravish, Advocate Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s :	Mr.Md. Fahimuddin, APP

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

2 28-10-2021 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. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Narpatganj P.S. Case No. 92 of 2021 arising out of Special Case No. 216/2021 registered for the offences punishable under Section 30(a), 41 and 47 of the Bihar Prohibition and Excise Act. He is in custody since 24.02.2021 having no criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, while the informant was checking the vehicles along with other police personnel and in



course of checking he stopped a gray colour goods carrier tempo from which total 320.400 liters of country made liquor were recovered. The informant further alleged that on asking the apprehended person he disclosed his name as Shiv Kumar Roy (the petitioner) who is driver cum owner of the vehicle.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is the owner cum driver of the tempo, the petitioner had no knowledge about the alleged liquor, however he is in custody since 24.02.2021.

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 submission of learned counsel for the petitioner is that total 320.400 liters of illicit liquor were recovered from the tempo, petitioner is the driver cum owner of the said tempo, he is in custody since 24.02.2021, 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 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 2nd



Additional Sessions Judge – cum – Special Judge, Araria in connection with Narpatganj P.S. Case No. 92 of 2021 arising out of Special Case No. 216/2021, 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'.

