

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40477 of 2020

Arising Out of PS. Case No.-426 Year-2019 Thana- TAJPUR District- Samastipur

SHISHU KUMAR Son of Surendra Sharama Resident of Village- Kairwa,
Saho Bigha, P.S.- Ghosi, Distt- Jahanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-02-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Tajpur P.S. Case No. 426
of 2019, registered for the offence punishable punishable under
Section 30(a)/41(i)(ii) of the Bihar Prohibition and Excise Act,
2018.

2908.8 litres of illegal liquor has been recovered from
a Hywa truck of which petitioner is alleged to be the owner.

It is submitted on behalf of petitioner that nothing has
been recovered from conscious possession of this petitioner.
Petitioner was not apprehended on the spot and has been falsely
implicated in this case simply because he is owner of the Hywa
truck in question. Petitioner has already sold this Hywa truck to
one Dharmendra Kumar and in support of the same annexed



Bikrinama vide Annexure-2. Petitioner is in custody since 01.10.2020 having clean antecedent as stated in para 3 of the petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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 learned Additional Sessions Judge II-cum-Special Judge (Excise Act), Samastipur in connection with Tajpur P.S. Case No. 426 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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