

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14652 of 2022

Arising Out of PS. Case No.-52 Year-2020 Thana- KALER District- Jehanabad

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Shashi Kumar @ Shashi Giri, S/o Bindu Giri @ Harishankar Giri, Resident of
Kathariya, Giri Tolla, P.O. and P.S.- Chapra Town, District- Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.,Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Vikas Ratan Bharti, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Kaler P.S. Case No. 52 of 2020 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information intercepted TATA 909, bearing registration
no. UP 50 2633. On search being made, total 3325 litres of spirit
in 95 gallons were recovered. It is further alleged that the driver



and khalasi of the vehicle were apprehended by the police. It is further alleged that during search regular call was being made by the petitioner on the mobile of the driver of the truck and due to this reason suspicion has been raised and the petitioner has been implicated in this case.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the truck nor the driver of the said truck. He further submits that the petitioner has no concern with the alleged truck or spirit loaded on it. It is also submitted that there is no other material to connect the petitioner from the alleged recovered illicit spirit. It is next submitted that the petitioner was not even present near the alleged truck and he was arrested from his house by the police. It is lastly submitted that there is no independent witness to prove that the petitioner is any how involved in the alleged occurrence and he is in custody since 15.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that during the course of investigation, the complicity of the petitioner has been found.

Having considered the submissions made on behalf of



the parties and taking into consideration the fact that the petitioner is neither the owner nor the driver of the truck, apart from the fact that except the allegation that the petitioner was regularly calling the driver of the truck, there is no other material, moreover this petitioner is in custody since 15.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Jehanabad in connection with Kaler P.S. Case No. 52 of 2020 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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