

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24492 of 2022

Arising Out of PS. Case No.-199 Year-2021 Thana- BHAGWANPUR District- Vaishali

SHASHI KUMAR S/o Mahanand Rai R/o Vill - Patedha Bujurg, P.S.-
Vaishali (Belsar O.P.), Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 199 of 2021 registered for the alleged offences under Sections 467, 468, 471, 120(B), 272 and 273 of the Indian Penal Code and Sections 30(a)/36/41(i) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 2555 liters of India made foreign liquor was made from a truck and pick-up-van. Allegedly the petitioner and co-accused persons were involved in bringing this liquor and supplying it to smugglers of



illicit liquor.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his possession. The petitioner has got no concern with the seized vehicle or the liquor recovered. He has been made accused merely on suspicion and there is no material available on record to connect this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 23.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the huge quantity of liquor was recovered from the vehicle seized by the police and the petitioner and other co-accused persons are involved in the smuggling of this liquor.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 199 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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