

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33323 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- MARAUNA District- Supaul

SHAMBHU KUMAR SHAH Son of Late Kailash Shah @ Kailla Shah
Resident of Village - Nirmali Ward no.8, P.s.- Nirmali, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Marauna
P.S. Case No. 176 of 2021 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.04.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
587.52 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that admittedly, the petitioner is driver of the alleged



vehicle, from where, recovery of illicit liquor has been made. It has been submitted that nothing surfaced during course of investigation, which may suggest that the petitioner was under knowledge of the consignment of illicit liquor. It has also been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is driver, as per FIR.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of investigation, which may suggest that petitioner was under knowledge of consignment of illicit liquor, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Marauna P.S. Case No. 176 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-IV-cum-Special Excise Judge, Court NO.1, Supaul, subject to the following conditions:



“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Santosh Kumar Sah @ Santosh Shah, who is the own brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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