

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61722 of 2021**

Arising Out of PS. Case No.-158 Year-2021 Thana- GANGABRIDGE District- Vaishali

SHAMBHU PASWAN S/O NANHAK PASWAN R/o village- Saidpur
Ganesh, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Ganga Bride P.S. Case No. 158 of 2021 registered for the offences punishable under Sections 467, 468, 471, 420, 120B of the IPC and Sections 30(a), 36, 41(1) of Bihar Prohibition and Excise Act, 2018.

There is recovery of 2259.720 litres of illicit IMFL from the truck which is said to be driven by the petitioner. It is also alleged that 3060.720 litres of IMFL was recovered from pickup van, which is said to be driven by co-accused Ajay



Kumar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner is driver of the truck in question. He further submits that it appears from the seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from truck in question. He further submits that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 24.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released 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 Excise Court, Vaishali at Hajipur in connection with Ganga Bride P.S. Case No. 158 of 2021, subject to the following conditions:-

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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