

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53796 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- KURSAILA District- Katihar

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Shashi Kumar @ Bikki S/o Late Shankar Kumar Mishra, R/o village- Marwa,
P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 01-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
G.R. No. 493 of 2022 arising out of Kursela P.S. Case No. 19 of
2022, lodged under Sections 467, 468, 471, 120(B) and 420 of
the Indian Penal Code read with Sections 30(a), 36 and 41(1) of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the total recovery of 6444
liters of foreign liquor is the subject matter of present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that recovery of said wine was made from the truck and

petitioner is neither the owner, nor driver and also not *Khalasi* of the truck. He also submits that name of petitioner has figured in this case by virtue of confessional statement of co-accused. Learned counsel for the petitioner further submits that antecedent of petitioner is clean and he is in custody since 09.08.2022. He also submits that other co-accused persons of this case have been granted bail by the Co-ordinate Bench of this Court vide Annexure 2 & 3.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional District & Sessions Judge-cum-Special Judge, Excise Court No.2, Katihar in connection with G.R. No.493 of 2022 arising out of Kursela P.S. Case No. 19 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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