

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64151 of 2021

Arising Out of PS. Case No.-65 Year-2021 Thana- HIRAMMA P.S. District- Sheohar

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SHASHI BHUSHAN KUMAR Son of Uma Shankar Sah Resident of Village
- Dumma Ward no.05, P.S.- Hiramma, Distt.- Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Hiramma P.S. Case No. 65 of 2021 for the offence punishable
under Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Act.

The allegation is of recovery of about 101 litres of
foreign liquor from a car bearing registration no. BR1AE3304,
belonging to one Gauri Shankar Sharma. The police had got



secret information that co-accused Gauri Shankar Sharma had booked the said consignment which was seized by the police.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioner. He has no concern either with the manufacturing of liquor or its trade in any manner. Petitioner has clean antecedent and he is in custody since 30.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the nature of allegation made in the F.I.R. and nothing having been recovered from conscious possession of the petitioner. The vehicle seized is not registered in the name of the petitioner. Specific allegation has been made against co-accused Gauri Shankar Sharma who as per the prosecution case is a liquor mafia and is engaged in the illicit trade of liquor in the district of Sheohar-Sitamarhi. Prima facie the petitioner,



above named, has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.200,000/- (Rupees two lacs)** with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Sheohar in connection with Hiramma P.S. Case No. 65 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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