

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65027 of 2021**

Arising Out of PS. Case No.-345 Year-2021 Thana- PARSABAZAR District- Patna

SHUBHAM KUMAR S/o Shankar Dayal @ Shankar Dayal Sharma Resident
of Mohalla- NH-21 (T), Near B.S.N.L. Tower Dhurba, P.S.- Dhurba, District-
Ranchi (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr Ashok Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Special Case No 5752 of
2021 arising out of Parsa Bazar Police Station (for brevity, *PS*)
Case No 345 of 2021 instituted for the offence punishable under
Section 30 (a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

207 liters of illicit foreign liquor has allegedly been
recovered from the petitioner's Tata Nexon vehicle which he
was driving.

Learned counsel for the petitioner submits that
oblivious of the illegal contents, the petitioner had taken over



driving of the vehicle, from his driver shortly before the vehicle was seized. He has no concern with the illicit liquor and has become the victim of the circumstances. He is stated to be in custody since 15.09.2021.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, defence raised by the petitioner and period of custody, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Special Case No 5752 of 2021 arising out of Parsa Bazar PS Case No 345 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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