

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67872 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- BHAIKAVSHTHAN District-
Madhubani

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Shambhu Das, Son of Krishna Prasad Das, Resident of Village- Kalibari, P.S.-
Dalkola, Dist- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Bhairav
Asthan P.S. Case No.106 of 2021 corresponding to G.R.
No.1632/2021 registered for the offence punishable under
Sections 272, 273/34 of the I.P.C. and Sections 30(a), 41 of the
Bihar Prohibition and Excise Amendment Act, 2018.

There is alleged recovery of 898.56 litres IMFL of
different brands from a Tata Magic vehicle. Petitioner is alleged
to be the Driver. Apart from liquor, Rs.4050/- has also been
recovered from the petitioner's possession.

Petitioner's counsel submits that the petitioner is
having clean antecedents. He was driving the vehicle in



discharge of his professional duty without having any knowledge that the liquor was loaded in the truck in question. Petitioner is in custody since 12.09.2021 and investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, clean antecedents and completion of investigation, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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-Special Judge, Excise Act, Madhubani, in connection with Bhairav Asthan P.S. Case No.106 of 2021 corresponding to G.R. No.1632/2021, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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