

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43352 of 2023**

Arising Out of PS. Case No.-275 Year-2021 Thana- KASBA District- Purnia

Shyam Roy @ Shayamal Ray Son Of Devendra Roy Resident Of Village  
-JUGGI Bitra, Vinaguri, Ps- Bhaktinagar ,DISTT- Jalpaiguri, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate  
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      27-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with kasba P.S.  
Case No. 275 of 2021 registered for the offence under Sections 272,  
273/34 of the Indian Penal Code and under Sections 30(a), 38(i) and  
41(i) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in  
custody since 19.01.2023.

4. The allegation against the petitioner is to be engaged in  
illegal trading/manufacturing of illicit liquor, where, there is recovery  
of 900 litres of IMFL/country made liquor from jointly occupied  
vehicle.

5. Learned counsel appearing on behalf of the petitioner  
submitted that implication of this petitioner with present case is only  
being the owner of vehicle i.e., pick-up van, having registration no.



WB73E8038. It is submitted that nothing recovered from the physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as implication of this petitioner appears only being owner of the alleged vehicle from where alleged illicit liquor was recovered coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kasba P.S. Case No. 275 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court No. 1, Purnea/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at



liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

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