

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59669 of 2023

Arising Out of PS. Case No.-40 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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SHAMBHU KUMAR SINGH @ SHAMBHU KUMAR son of Late Sipahi
Singh Village- Jagarnathpur Ps- Jamo Bazar Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State,

2. The petitioner apprehends his arrest in connection
with Excise Case No. C-III-40/2021, for the offence registered
under Section 30(a) of Bihar Prohibition and Excise Act, 2018,
lodged on 21.01.2021, by the informant, Sumedha Kumari.

3. As per the prosecution story, the police intercepted
a motorcycle with two persons and recovered / seized 6 litres
Chulai wine both Kameshwar Yadav and Laxman arrested.

4. Learned counsel for the petitioner submits that
although the motorcycle belonged to him which was sold to the
accused Kameshwar Yadav on 30.12.2020 himself which is part
of petition as Annexure-2. Further, he does not have criminal



antecedent.

5. Learned APP for the State opposes the prayer for bail and submits that the aforesaid motorcycle belonged to the petitioner.

6. Taking into account the aforesaid fact nothing has been recovered from his conscious possession, the motorcycle which was involved in the alleged occurrence was sold by him and he does not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan, in connection with Excise Case No. C-III-40/2021, subject to condition as laid down under Section 438(2) of the Cr.PC with further condition that :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide.

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself,

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance,

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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