

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58587 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Shashi Kumar @ Sashi Kumar Son of Late Raghunandan Prasad Yadav @
Raghunandan Yadav R/o vill - Arraha Mahua, ward no. 12, P.S. - Ghailad,
Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.07.2023 in connection with Udakishunganj P.S. Case No.
216 of 2023, F.I.R. dated 06.07.2023 for the offences punishable
under Sections 30(a), 32 (ii)(iii) and 41 (i) (ii) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Recovery is of 5107 liters of English liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather



the recovery has been made from two Haiwa Truck in question and altogether 5107 liters of illicit liquor has been recovered from both the Haiwa trucks. He further submits that the petitioner is driver of one Haiwa truck and he has no concern at all with the alleged recovery of the illicit liquor. The petitioner is in custody since 07.07.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent and nothing has been recovered from the possession of the petitioner, 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 District & Sessions Judge-5th – cum- Special Judge Excise Act – 1st, Madhepura in connection with Udakishunganj P.S. Case No. 216 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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