

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65347 of 2022

Arising Out of PS. Case No.-381 Year-2022 Thana- BEUR District- Patna

Shankar Roy aged about 40 years, male, Son of Krishna Roy Resident of
Makhdumpur, P.S- Beur, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Raj Krishna Jha, Adv.
For the State	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (*for brevity, APP*) appearing for the
State of Bihar.

The petitioner seeks bail in connection with Special Case
No. 4638 of 2022 arising out of Beur PS Case No. 381 of 2022,
registered for the offence punishable under Section 30(a) and 37 of
the Bihar Excise Act and Section 25(1-b)a, 26 and 35 of the Arms
Act.

From the *Anganwari center*, it is alleged that petitioner
has been arrested and from his possession one ineffective country
made pistol has been recovered. There is also alleged recovery of 100
liters illicit liquor, as it is alleged that liquor was being sold at the
center from where the petitioner has been arrested.

Learned counsel for the petitioner submits that even as per
the First Information Report (*for brevity 'FIR'*), the arms were
ineffective and covered by Section 45(D) of the Arms Act. The
recovery of liquor is not from the petitioner's possession. In fact, he



has been implicated in this case, as he was near the place of recovery, on suspicion. Recovery is denied and disputed by the petitioner's counsel. It is submitted that recovery is not in accordance with law.

The petitioner is in custody since 07-08-2022, though he has no antecedents.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, 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 Special Judge, Excise Act, Patna, in connection with Special Case No. 4638 of 2022 arising out of Beur PS Case No. 381 of 2022, 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.

(Madhuresh Prasad, J)

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