

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66780 of 2022

Arising Out of PS. Case No.-756 Year-2022 Thana- ALAMGANJ District- Patna

SHANKAR KUMAR @ SHANKAR RAY, Son of Binod Ray, Resident of
village - Diwan Mohalla Khatri (Lane), P.S.- Khajekala, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual
mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for
the State.

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

Petitioner seeks bail in connection with Alamganj P.S. Case
No. 756 of 2022 registered under Section 414 of the Indian Penal
Code and Sections 30(a) and 36 of Bihar Prohibition and Excise
Amendment Act, 2018.

6 persons have been apprehended, while they were moving on
three motorcycles. It is alleged that from each motorcycle there is
recovery of 50 litres illicit liquor.



Learned counsel for the petitioner submits that petitioner was a pillion rider. He has no concern with the motorcycle or alleged recovery. Having clean antecedent, he is stated to be in custody since 28.09.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, clean antecedent, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Patna City, in Alamganj P.S. Case No. 756 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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