

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72977 of 2023

Arising Out of PS. Case No.-306 Year-2023 Thana- PHULWARIYA District- Gopalganj

SHAILESH KUMAR SON OF HAKIM SINGH RESIDENT OF VILLAGE
BANIYA CHHAPAR, PS PHULWARIYA DISTT GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Phulwariya P.S. Case No. 306 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 30.8.2023 by the informant, Prince Kumar.

3. As per the prosecution story, the police upon information, intercepted a motorcycle and recovered 189 liters of country made liquor in three gunny bags. Though, the police was able to arrest one Yashwant Kumar, the other accused person named by him which included the petitioner, managed to escape. Accordingly, the FIR.

4. It is the case of the petitioner that he has falsely been implicated in this case on the basis of alleged confession of



Yashwant Kumar before the police. Further, similar placed co-accused Ram Nath Choudhary who was also named by the accused, has been granted bail in Cr. Misc. No. 67771 of 2023 on 18.10.2023, though he concedes he has one criminal antecedent of the same nature.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the learned counsel for the petitioner as also that similar placed co-accused, Ram Nath Choudhary, as stated above, has since been released on bail, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum Special Excise Court No.1, Gopalganj, in connection with Phulwariya P.S. Case No. 306 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 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 his 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 the 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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