

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60138 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- HASANPUR District- Samastipur

Shambhu Kumar @ Sambhu Kumar, S/o- Dharmendra Mahto, Village-
Girdharpur, Ps- Hasanpur, Dist- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Mr. Renu Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 31-08-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned Additional Public Prosecutor for the
State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Hasanpur P.S. Case No. 65
of 2024 registered for the offence punishable under Sections
30(a) of the Bihar Prohibition and Excise (Amendment) Act
2022.

3. Based upon the written report the prosecution
alleges that the police on a secret information intercepted a
Bolero vehicle. Noticing the police party the persons who were
found seated in the vehicle, tried to flee away, but later on
apprehended. On search, total 172.80 litres Indian made foreign
liquor was recovered.

4. Learned Advocate appearing on behalf of the



petitioner contended that the petitioner has neither any concern with the Bolero in question, nor with the illicit wine. However, only on account of his past criminal antecedent, his name has been implicated in this case. From the narratives made in the FIR, it clearly suggests that the petitioner had met with an accident and on the day on which he was apprehended, he had a plaster in his hand. It is next contended that there are other infirmities in the search and seizure, coupled with the fact that the petitioner has been incarcerated since 21.06.2024. Now the investigation of the crime is complete and the chargesheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposed the bail application and submits that the five criminal antecedent of the petitioner speaks loud about his involvement in similar nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the chargesheet has been submitted coupled with the fact that the petitioner has no concern with the vehicle in question, nor with the illicit wine, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, I Samastipur in connection



with Hasanpur P.S. Case No. 65 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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