

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51136 of 2025

Arising out of PS. Case No.-401 Year-2025 Thana- JAKKANPUR District- Patna

Shiv Shankar Singh, Son of Late Mishri Singh, Resident of - Dhelwa, P.S.-
Ram Krishna Nagar, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in a case instituted for the offences under Sections 30(a), 37 and 38 of Bihar Excise Act and Sections 25(1-b)(a), 26 and 35 of the Arms Act. He has one criminal antecedent, i.e., Ramkrishna Nagar P.S. Case No. 93 of 2020 instituted under Sections 341, 323, 448, 354(A), 307, 325 and 504/34 IPC.

3. As per the prosecution case, the police conducted raid in a hotel owned by the petitioner and approximately 15-16 persons were found there and on search of the rooms one country-made pistol along with a magazine containing four live cartridges were recovered under the mattress of the bed in Room No. 403 and 6.350 litres of foreign liquor was recovered from various rooms.

4. Learned counsel for the petitioner submits that ad-



mittedly the petitioner is the owner of the hotel and the so-called recovery of arms was made from the premises which were occupied by the other accused persons and the petitioner is the owner of the said hotel. It is further submitted by learned counsel for the petitioner that the only allegation against the petitioner is that he had made available the said liquor, however, there is no incriminating material which would go on to show that the petitioner was involved in supply of liquor as alleged. It has lastly been submitted that the petitioner though has one criminal antecedent but not of similar nature of offence.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submission of learned counsel and taking into account the fact that the petitioner is the owner of the hotel, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from to-day, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-2, Patna in connection with Jakkanpur P.S. Case No. 401 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except one above mentioned case 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 the same or in the name of verifi-



cation.

(v) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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