

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21769 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- SALAKHUA District- Saharsa

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VIKASH SHARMA Son of Krishnadeo Sharma Resident of Village-
Rasulpur, Police Station- Salkhua (Banma Itahari O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
02.01.2019 in connection with Special (Excise) Case No. 04
of 2019, arising out of Salkhua (Banma Itahari O.P.) P.S.
Case No. 01 of 2019 for offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that the petitioner along with another co-
accused was apprehended in the pick-up van. On search from
the pick-up van 639 litres of Indian made foreign liquor was
recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for



the petitioner that he is innocent, bears no criminal history and was just a driver of the vehicle, neither the owner of the vehicle nor the illicit liquor. He further submits that one of the co-accused apprehended along with the petitioner, who was the cleaner, has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 11503 of 2019 vide order dated 26.02.2019. It is further submitted that charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody as well as the fact that charge-sheet has already been submitted and petitioner does not bear any criminal antecedent, as stated in paragraph 3 of this application, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge (Excise Act), Saharsa, in connection with Special (Excise) Case No. 04 of 2019, arising out of Salkhua (Banma Itahari O.P.) P.S. Case No. 01 of 2019, subject to the condition that one of the bailors would be a close relative of



the petitioner having sufficient immovable property, who will
file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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