

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4376 of 2020

Arising Out of PS. Case No.-724 Year-2019 Thana- SARAIYA District- Muzaffarpur

Abhyanand Sharma @ Tinku Sharma @ Pimbu Sharma Son of Late
Sudarshan Sharma Resident of Village - Pokhraiya, P.S. - Saraiya, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-05-2020 Heard.

The proceeding has been conducted through video conferencing.

The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 272 and 273/34 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by the Amendment Act 8 of 2018. The petitioner is languishing in custody since 20.12.2019.

The prosecution case, as per the written report of SI of Police, Jaitpur O.P. submitted to the learned Special Judge, Excise, Muzaffarpur is to the effect that on 29.10.2019, a secret information was received that co-accused Sanjay Chuadhary



and Prahlad Choudhary were getting liquor unloaded from the truck. Consequently, raid was laid and one Bolero vehicle was intercepted loaded with liquor. Ultimately, the Bolero vehicle was seized, however, the driver managed to escape. It is alleged that from the Bolero vehicle in question, 536.460 litres of liquor were recovered, leading to registration of the present FIR against the owner and driver of the vehicle in question.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the statement of co-accused Sanjay Choudhary who has been granted bail by a co-ordinate bench of this Court vide order dated 14.1.2020 passed in Cr. Misc. No. 84218 of 2019. Admittedly, petitioner is neither the owner of the vehicle in question nor recovery has been made from him. Statement has been made in paragraph 10 of the petition that the petitioner is not the owner of the vehicle in question though the petitioner is accused in three other cases with accusation of similar nature.

Learned APP, after going through the case diary, submits that though the petitioner's name sprang up on the statement of co-accused Sanjay Choudhary, who has been granted bail but the petitioner is accused in three other cases with accusation of similar nature. Though the investigation has already been



concluded.

Considering the fact that the materials on record suggest that the petitioner is not the owner of the vehicle in question and learned APP has not controverted the aforesaid submission of learned counsel for the petitioner, the co-accused Sanjay Choudhary on whose confession the name of the petitioner sprang up, has been granted bail, coupled with the period in custody, let the petitioner above named be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No.724 of 2019.

However, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No.724 of 2019 including one surety given at the time of provisional bail.

Since the petitioner is accused in three similar cases, the learned Court below will be at liberty to cancel the bail bonds if the petitioner gets substantially involved in an offence of similar nature.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lock down, due to the present pandemic Covid-19, is not over in three months.

(Dinesh Kumar Singh, J)

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