

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13432 of 2020

Arising Out of PS. Case No.-28 Year-2019 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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SHASHIBHUSHAN SHARMA, Son of Braj Kishore Sharma @ Brij Kishore
Sharma, Resident of Village - Chhapra magh, P.S.- Mushahari, Dist.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 12-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The matter has been taken up through virtual Court
proceeding.

The petitioner has preferred the present application for
grant of bail in a case registered for the offences punishable
under Sections 272, 273, 414 and 120B of the I.P.C., 1860 and
Sections 30(a) 38(1), 41(1) of the Bihar Prohibition and Excise
Act, 2016, as amended by the Amendment Act 8 of 2018.

The prosecution case as per the self statement of
Kaushlendra Kumar, S.I., Bela Police Station is to the effect that
on 06.08.2019, confidential information was received that near
the Industrial Area, Phase-II, in the premises of Balaji Agro



Chemicals Factory, one truck loaded with illicit liquor is parked. Consequently, the said premises was raided and from the premises a truck and a pickup van were found parked and altogether, 2790.08 litres of Indian Made Foreign Liquor were recovered and co-accused, Anil Kumar was apprehended from the vehicles in question. It is alleged that the petitioner's motorcycle was also found parked along with the other vehicles in the premises of the said factory.

It is submitted by learned counsel for the petitioner that the said recovery cannot be treated from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. The petitioner is languishing in custody since 22.12.2019 and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, similarly situated co-accused, Anil Kumar has been granted bail by a Co-ordinate bench of this Court vide order dated 21.10.2019 passed in Criminal Miscellaneous No. 66250 of 2019 whereas co-accused, Indrajit Kumar @ Nanki Mithai Dukandar @ Nanhki Mithai Dukandar, has been granted bail by a Co-ordinate bench of this Court vide order dated 05.03.2020 passed in Criminal



Miscellaneous No. 72964 of 2019.

Learned APP for the State submits that the motorcycle of the petitioner was seized from the place of seizure which suggests that the petitioner was also party to the commission of the said crime.

Considering the suspicious nature of accusation, the fact that co-accused persons have been granted bail and the investigation already being concluded coupled with statement made in paragraph no.3 of the petition with regard to criminal antecedent of the petitioner and the said statement not being controverted by learned counsel for the State, 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 Bela P.S. Case No. 28 of 2019.

However, in view of the present pandemic, COVID-19, 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, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur, in connection with Bela P.S. Case No. 28 of 2019.

The learned Court below will further be at liberty to extend the period of provisional bail further if the Court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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