

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11937 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. ANIL KUMAR SHARMA S/O LATE AJODHI SHARMA R/O GAIRA
PAIK TOLA, WARD NO.2, P.S.-ARARIA, DISTRICT-ARARIA.
 2. SUNIL KUMAR S/O SHIVANAND THAKUR R/O PAIK TOLA,
NEWAJGARH, P.S.-ARARIA, DISTRICT-ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-07-2021

Heard learned counsel for the petitioners and learned

A.P.P. for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Purnea Excise C-1 Case No.212 of 2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., in course of search, 181.49 liters of liquor was recovered from a tempo of which the petitioners were the driver and *khalasi*.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from their possession or their vehicle. It is submitted that prior to the lodging of the instant case, the petitioners had not been made accused in any case under the Bihar Prohibition and Excise Act,



2016. However, a supplementary affidavit has been filed stating therein that although he was not named, while in custody in the present case, the petitioner no.2 was remanded in one another case under the Bihar Prohibition and Excise Act, 2016. In the instant case, the petitioners are in custody since 28.11.2020 and the petitioner no.1 has no criminal antecedent. Investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioners being in custody for over seven months and investigation in the case having concluded, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Purnea Excise C-1 Case No.212 of 2020 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 Special Judge, Excise, Purnea.

(ParthaSarthi, J)

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