

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22673 of 2021**

Arising Out of PS. Case No.-220 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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PAWAN KUMAR SHARMA SON OF KALANAND SHARMA R/O
VILLAGE- HALDIBARI, P.S.- BARHARA KOTHI, DISTRICT- PURNEA.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with C-I Case No. 220 of 2020 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant was on vehicle checking

duty. In the meantime, a Bolero pickup was asked to stop and

when search was made total 725.760 litres foreign liquor was

recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on suspicion. It is further submitted that he had no knowledge about the wine kept in his vehicle. It is submitted that nothing has been recovered from the conscious possession of the petitioner. Learned counsel submits that the petitioner is in custody since 08.12.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is the driver of the vehicle from which 725.760 litres foreign liquor has been recovered, further submission that the petitioner has remained in jail in connection with this case since 08.12.2020 and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Purnea in connection with C-I Case No. 220 of 2020 subject to the condition as laid down under Section 437 (3)

Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner 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 or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.