

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28514 of 2021

Arising Out of PS. Case No.-305 Year-2020 Thana- BAUNSI District- Banka

JYOTISH SHARMA Son of Siyaram Sharma Resident of Village- Salarpur,
P.S.- Parbatta, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 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 Bounsi P.S. Case No.305/2020 registered for the offences punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 06.12.2020. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story on 05.12.2020 at about 9.00 am the informant along with other police personnel was checking the vehicles at Sukhaiya bridge, in the meantime one Bolero car was coming from Bhaljor check post. It is alleged that the police



stopped the vehicle and while the police was searching that vehicle one white coloured Scorpio rushed with very high speed on seeing the police party. On suspicion the police party chased the said Scorpio and when they reached village Nayagaon then saw that the said Scorpio car met with an accident. The police came to know from the villagers that altogether four persons were sitting in the Scorpio Car in which one person was nabbed by the villagers while other three managed to escape. The nabbed person disclosed his name as Jyotish Sharma (petitioner) and on search altogether 117 liters of illicit liquor was recovered from the said Scorpio.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that petitioner is neither driver nor owner of the seized Scorpio car and he has no concern with the alleged illicit liquor. It is submitted that the petitioner is in custody in connection with this case since 06.12.2020 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein 117 liters of illicit liquor has been recovered from one Scorpio car of which the petitioner is neither driver nor the owner, petitioner has no criminal antecedent, he is in custody in



connection with this case since 06.12.2020, investigation against him is complete, but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Banka in connection with Bounsi P.S. Case No.305/2020, 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.

(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'.

