

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 31044 of 2021**

Arising Out of PS. Case No.-51 Year-2021 Thana- KARJA District- Muzaffarpur

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ABHYANAND SHARMA @ TINKU SHARMA S/O Late Sudharshan
Sharma Resident of Village - Pokhrai, P.S. - Saraiya (Jaitpur O.P.), District -
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Yogesh Chandra Verma, Sr Advocate with
Mr Priyesh Kumar, Advocate

For the Opposite Party/s : Mr Manoj Kumar, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-10-2021 This case has been taken up today for consideration
through Video Conferencing.

One order dated 25.10.2021 of the Hon'ble Apex
Court passed in Writ Petition (Criminal) No 420 of 2021 has
been placed wherein High Court has been requested to hear the
bail application as expeditiously as possible and within two
weeks.

In view of the said order of Hon'ble Apex Court, the
matter has been taken up for consideration out of turn.

Heard learned senior counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, *APP*)
appearing for the State of Bihar.



The petitioner seeks bail in Karja Police Station (for brevity, *PS*) Case No 51 of 2021 instituted for the offence punishable under Sections 414, 120B of Indian Penal Code and Sections 25 (1-b) a/26/35 of Arms Act.

Anti Liquor Task Force has been constituted under the orders of Senior Superintendent of Police, Muzaffarpur for conducting raid on the premises of co-accused Rahul Kumar. The raid at his residence led to recovery of one rifle, two country made pistols, one magazine, 8.250 liters of liquor and Rs 49,98,000/-. It is upon his disclosure that the petitioner has been named as being one of the members of the group indulging in illicit liquor trade. From the petitioner's residence, there is recovery of a cheque of Rs 4 lacs allegedly drawn in favour of Kiran Kumari.

Learned senior counsel for the petitioner submits that even as per prosecution case, whatever material, which can be said to be incriminating, has been recovered from co-accused Rahul Kumar, who has been allowed bail by this Court in Cr Misc No 40720 of 2021. The petitioner was in bona fide possession of the cheque drawn in favour of one Kiran Kumari and, by no stretch of imagination, it can be said that the same was of proceeds of liquor trade. It is further submitted that in



similar way, he has been made accused in four cases and in all the four cases, as per disclosure in paragraph 3 of the petition, he is on bail. In the instant case, he is in custody since 25.02.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in connection with Karja PS Case No 51 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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