

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41201 of 2021

Arising Out of PS. Case No.-241 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Sukhdev Sharma Son Of Late Banshdhari Sharma Resident Of Village -
Amgola Pankha Toli, Badhai Tola, P.S.- Kazi Mohammadpur, Distt.-
Muzafferpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects, as pointed out by the office, within four weeks of
resumption of normal court proceeding. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner seeks bail in connection with Kazi
Mohammadpur P.S. Case No. 241 of 2018 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious



physical possession of the petitioner rather 56.985 liters of illegal foreign liquor and 100 liters of beer and one motorcycle bearing registration No. BR 06S 0148 are said to have been recovered from the place of occurrence. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that the petitioner was not present at the spot and witnesses specifically stated that co-accused *Chandan Kumar* and *Raja Sharma* used the said motorcycle for the purpose of illegal trade of liquor. He also submits that originally the said motorcycle was in the name of one *Kumar Manvendra*, SHO of Bihar Police and he sold the said motorcycle to the petitioner. Petitioner has no criminal antecedent as has been mentioned in para-3 of this bail application and he is languishing in custody since 14.06.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar bearing Account No.2065104000002257, IFSC Code: IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



learned court below where the case is pending/successor court in connection with Kazi Mohammadpur P.S. Case No. 241 of 2018 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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