

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45582 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- SABAUR District- Bhagalpur

=====

WAKIL SHARMA @ VAKEEL SHARMA @ VAKIL Son of Late Ammo
Sharma Resident of Mohalla - Swarupchak, Post - Murhan, P.S. - Gauradih,
District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Gauradih (Sabaur) P.S. Case No. 44 of 2021 registered for the

offence under Sections 30(a) of the Bihar Prohibition and

Excise Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

Recovery is of 4.5 liters of foreign liquor and a

country made rifle and pistol along with two live cartridges.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, neither the alleged foreign liquor nor the arms as alleged in the F.I.R. have been recovered from the conscious possession of the petitioner. He has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 05.02.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Special Judge, Excise Act, Bhagalpur in connection with Gauradih P.S. Case No. 44 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

