

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4582 of 2021

Arising Out of PS. Case No.-297 Year-2020 Thana- HUSSAINGANJ District- Siwan

ROHIT KUMAR SHARMA aged about 18 years (M)SON OF ANANT SHARMA, resident of Village HARNATHPUR PS Raghunathpur, District Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Hussainganj PS Case No. 297 of 2020 registered under Sections 30(a) and 41(i) of Bihar Prohibition and Excise Act, 2016 .

Three co-accused have concealed some liquor in the house of Late Banarsi Sharma. The police have recovered total 522 liters illicit liquor from the house in question. The petitioner has been arrested on allegation that he is one of the persons indulging in trade of liquor which was being stored in the house of Late Banarsi Sharma.

It is submitted by learned Counsel for the petitioner that



there is no recovery from the petitioner's possession nor there is any material to connect the petitioner with the recovery in question. Having no criminal antecedent the petitioner is in custody since 20.10.2020 for the reasons that he happened to be there in the house of his brother-in-law near the place of recovery.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan in Hussainganj PS Case No. 297 of 2020 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.

(Madhuresh Prasad, J)

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