

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8231 of 2021

Arising Out of PS. Case No.-759 Year-2020 Thana- ARA NAWADA District- Bhojpur

1. Nirmal Sharma, S/o - Ganesh Sharma, Resident of Village - Goshganj, P.S. - Nagar Aara, District - Bhojpur.
2. Niraj Sharma @ Niraj Kumar Sharma, S/o - Ashok Sharma Resident of Village - Dharhara, P.S. - Town Thana Aara, District - Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioners and Mr. Tapeshwar Sharma, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Ara Nawada P.S. Case No. 759 of 2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he got secret information that a Pick-Up Van is coming with wine, he reached at the said place and started searching of the said van and recovered total 373.08 liters of illicit liquor from the said Van.

Learned counsel for the petitioners submits that



petitioners have been falsely implicated in this case, their name have come on the basis of confessional statement of other co-accused. Learned counsel submits that petitioners are shopkeepers of hardware and the Van in question has not been recovered from the conscious possession of the petitioners.

Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioners.

Having regard to the submissions that the name of these two petitioners have allegedly transpired in the confessional statement of the co-accused, the submission being that these petitioners are running their shops of hardware and have been falsely implicated by police for extraneous reasons and save and except confessional statement extracted in police custody there is no other independent material to connect the petitioners with the present case, petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV – cum- Special Judge, Excise Act, Bhojpur, Ara, in connection with Ara Nawada P.S. Case



No. 759 of 2020, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioners and in case at any
stage it is found that the petitioners have concealed their
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioners. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

