

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3813 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Akhilesh Sharma, S/o Sajan Sharma, R/o Dhansena Ward No.1, P.S.- Sour Bazar, Distt- Saharsa.
 2. Alimuddin, S/o Md. Shabbir, R/o Saharsa Basti, Ward No.38, P.S.- Sadar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with C-1, Case No. 203 of 2021 registered for the alleged offences under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that in course of checking of vehicle, from a three wheeler, 225 litres of India made foreign liquor was seized and petitioner nos. 1 and 2 were apprehended



after chase when they tried to escape from the vehicle.
Petitioner no. 1 is stated to be driver.

The learned counsel for the petitioners submits that the petitioner no. 1 is not the driver though the petitioner no. 2 is the owner of the vehicle. The petitioners were not apprehended from the spot after chase, rather they reached there on information. The petitioners were not aware about any illegal wine loaded in the vehicle and they have nothing to do with the recovery of wine. The charge-sheet has already been submitted in this case. The petitioners are in custody since 28.11.2021 and are having clean antecedent.

Learned APP opposes the prayer for bail of the petitioners.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted and the petitioners are in custody since 28.11.2021, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with C-1 Case No. 203 of 2021, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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