

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5696 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- BARAULI District- Gopalganj

1. SUNNY KUMAR @ SUNNY SHARMA Son of Surendra Sharma Resident of Village - Hindu Chakiya, P.S. - Chakiya, District - East Champaran, Motihari.
2. ROHIT KUMAR @ ROHIT SHARMA Son of Surendra Sharma Resident of Village - Hindu Chakiya, P.S. - Chakiya, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek
For the Opposite Party/s : Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Amendment Act.

Allegedly, 302.400 liters of foreign liquor kept in seven cartoons was recovered from a tractor and co-accused who was arrested at the spot disclosed names of the petitioners being involved in supplying of the alleged liquor.

The main submissions advanced by the learned counsel for the petitioners are that petitioners have got clean antecedent, they were not arrested at the spot and their names



transpired in the statement of co-accused Laxman Kumar. Their names appear in supplying of alleged liquor and except that there is no other allegation against the petitioners. Several persons are alleged to be involved in the alleged crime and on the disclosure of co-accused, petitioners were arrested from their house and nothing was recovered from their possession and they have been rotting in jail since 20.11.2021.

Learned APP opposes the prayer for bail.

Having considered the above submissions, petitioners' custody period and also the fact that names of petitioners surfaced in the statement of co-accused who was caught at the time of alleged crime and prosecution is mainly relying on the statement of co-accused in respect of petitioners' involvement in the alleged crime. In light of these facts, petitioners deserve bail.

Accordingly, petitioners are directed to 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 the Additional Sessions Judge II-cum- Special Judge, Excise Act, Gopalganj in Barauli P.S. Case No. 350 of 2021 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the court below shall take serious action against them for cancellation of their bail bond.

(Shailendra Singh, J)

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