

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8046 of 2022

Arising Out of PS. Case No.-797 Year-2019 Thana- BANKA District- Banka

SUSHIL SHARMA S/o Arun Shrama R/o village- Madhahi, P.S.- Sadar,
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-06-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 32(2) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 280 litres of illicit country made liquor.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case only on the basis of suspicion. In fact, the petitioner was not apprehended at the spot and nothing has been recovered from the conscious possession of the petitioner rather recovery has



been made from co-accused Sintu Kumar and co-accused Sintu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.01.2020 in Cr. Misc. No. 85817 of 2019 and another co-accused Mukesh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 23.11.2021 in Cr. Misc. No. 28611 of 2021 respectively. The police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 502 of 2019 corresponding to Banka (Barahat) P.S. Case No. 797 of 2019, 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 absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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)

Ibrar//-

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

