

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9438 of 2022

Arising Out of PS. Case No.-332 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

-
1. Shivji Sharma, S/o Chandeshwar Sharma, R/o Village- Harpali, P.S.- Siwaipatti, District- Muzaffarpur.
 2. Suraj Kumar Sharma, S/o Jalandhar Sharma R/o Village- Bariyarpur, P.S.- Motipur, District- Muzaffarpur.
 3. Pawan Kumar Chaudhary, S/o- Ramchandra Chaudhary R/o Village- Jogiya Math, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Excise Case No. 332 of 2021 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

The prosecution case is that on checking of vehicle, a car was intercepted near Harpali Check Post and from the said



vehicle, total 220.320 litres of India made foreign liquor was recovered and the petitioners were apprehended from that car.

The learned counsels for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case merely on suspicion. The car from which recovery has been made does not belong to the petitioners, who have no concern with the seized liquor. Nothing incriminating has been recovered from the possession of the petitioners. The petitioners took lift on the car from which recovery was made and they have no role in the carrying of the liquor. Prosecution report has been submitted in this case and the petitioners are in custody since 13.11.2021 and are having no criminal antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the prosecution report has been submitted and further considering their period of custody, 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 Additional District and Sessions Judge-II, Gopalganj in connection with Excise Case No. 332 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)

Rajnish/-

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

