

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10150 of 2022

Arising Out of PS. Case No.-62 Year-2019 Thana- PASRAHA District- Khagaria

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MOHAN SHARMA S/o Late Jamun Sharma R/o village- Teldiha, P.S.-
Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Siddhartha Kumar Singh, Adv.

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-06-2022 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 the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Pasraha P.S. Case No. 62 of 2019 arising out of G.R. No. 1539

of 2019 registered for the offence under Sections 30(a) and

38(1) of the Bihar Prohibition and Excise Act.

Recovery is of 4410 liters of foreign liquor.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case merely on the basis of suspicion. He



further submits that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from one Sonalika Truck and during course of investigation, it has come that the said truck has been said to be in the ownership of one Sunaina Devi and the petitionenr has no concern at all with the alleged recovery and vehicle in question. He further submits that similarly situated co-accused, namely, Rahul Mandal has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.07.2019 passed in Cr. Misc. No. 44077 of 2019 and the co-accused, Rabin Kumar has also been granted bail by this Court vide order dated 08.03.2022 passed in Cr. Misc. No. 66206 of 2021. The petitioner is rotting in judicial custody since 23.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Excise, Khagaria in connection with Pasraha P.S. Case No. 62 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, 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)

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