

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14639 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Vikash Sharma, Son of Satya Narayan Sharma, Resident of Village-
Chandpura Tola, Tetarabad, P.S.- Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 petitioner seeks bail in connection with Kochadhaman P.S. Case No. 297 of 2021, registered for the alleged offences under Sections 419, 420, 272, 273 of the Indian Penal Code and Sections 30 (a), 32, 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, during checking of the vehicles, total 2651.400 liters of India made foreign liquor was recovered from a truck and the petitioner and the co-accused were apprehended from the said truck.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is merely a cleaner of the seized truck and he has no knowledge about the consignment loaded on it and he is not the owner of the said truck. Learned counsel further submits that the co-accused driver has been granted bail by a Coordinate Bench of this Court vide order dated 15.07.2022 passed in Cr. Misc. No.16466 of 2022. The charge sheet has been submitted in this case and the petitioner is in custody since 31.10.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that a huge quantity of illicit liquor has been recovered from the truck of the petitioner.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the submission of charge sheet and the period of custody of the petitioner as well as clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Kishanganj, in connection with Kochadhaman P.S. Case No. 297 of 2021, subject to the conditions mentioned in Section 437



(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be Sita Devi, who is the mother of the petitioner and deponent of the present bail petition.

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

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

However, if the fact comes to the knowledge that the petitioner is the owner of the seized truck, the learned trial court will be at liberty to cancel the bail bond of the petitioner.

V.K.Pandey/-

(Arun Kumar Jha, J)

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