

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18136 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- BELDOUR District- Khagaria

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GOLU KUMAR @ ROBIN SHARMA S/o Vilash Sharma @ Vilas Sharma
R/o Village- Bela, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Beldaur
P.S. Case No. 230/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 828.72 liters foreign liquor from Santro car and Bhuskar of
the petitioner. The petitioner was not apprehended on the spot
and local people disclosed the name of the petitioner and others.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to village politics. The petitioner was not apprehended



on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor and seizure list has not been made as per law. The petitioner is languishing in custody since 14.01.2022 and bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Khagaria in connection with Beldaur P.S. Case No. 230/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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