

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18529 of 2022

Arising Out of PS. Case No.-394 Year-2021 Thana- NARHATT District- Nawada

Rohit Sharma Son of Rajo Mistri R/O - Kandhabichha, P.S.- Bajirganj,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Babu, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Narhat
P.S. Case No. 394 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.12.2021.

The allegation against the petitioner is to have in
possession of 200 liters of Mahua liquor, which was recovered
from dickey of a car bearing Registration no. DL 4CAA 5634.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the driver of the alleged vehicle,
from where illicit liquor was recovered. It is submitted that



nothing surfaced during the course of investigation, which may suggest that petitioner was aware, as regard to illegal consignment of illicit liquor. It is further pointed out that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is the driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Narhat P.S. Case No. 394 of 2021 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- I, Nawada, subject to the following conditions:

“(i) That accused/petitioner shall
not involve in the similar nature of offence



till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Rajo Mistri, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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