

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23141 of 2022

Arising Out of PS. Case No.-449 Year-2021 Thana- DESARI District- Vaishali

=====

DINESH SHARMA SON OF LATE RAM CHANDRA SHARMA
RESIDENT OF VILLAGE- MAHANAR BAZAR, P.S- MAHANAR, DIST-
VAISHALI AT HAZIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-09-2022 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 Desari
(Sahdeo O.P.) P.S. Case No. 449 of 2021 registered for the
offences punishable under Sections 279, 304(A) of the Indian
Penal Code read with Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, on information, informant

reached the place of occurrence and found that a four-wheeler
vehicle entered into a house. When the house owner Ranjeet
Kumar was asked in this regard, he narrated that he alongwith



his wife and two daughters were sitting at the door of his house and suddenly a four wheeler vehicle uncontrollably entered into his house resulting which his younger daughter died on the spot, another daughter and his wife were also injured. On search, 1.5 litres foreign liquor was recovered from the car in question and the petitioner was sitting in the car.

Learned counsel for the petitioner submits that petitioner is in custody since 07.12.2021. Petitioner bears one criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession or physical possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. Petitioner is not the driver of said car. Petitioner is merely a passenger of said vehicle. Petitioner has no knowledge about recovered liquor from the car in question.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the



prosecution evidence, argument advanced on behalf of the parties 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 Exclusive Special Excise Court No. - I-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Desari (Sahdeo O.P.) P.S. Case No. 449 of 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)

amitkr/-

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

