

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23424 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- KURTHA District- Jehanabad

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Rintu Sharma @ Amit Kumar @ Ugrabadi, Son of Late Ram Narayan
Sharma, Resident of Village - Simuara, P.S.- Kurtha, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Shivendra Prasad, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Kurtha (Manikpur O.P.) P.S. Case No. 208 of
2021 (Excise Case No. 1230 of 2021) registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, it is alleged that the police
on secret information that the petitioner and his wife are
indulged in trade of illicit liquor raided the house of the



petitioner and it is alleged that from a tractor parked behind his house 14.250 litres of foreign liquor was recovered. It is also alleged that wife of the petitioner was arrested and she disclosed that her husband used to bring the liquor from outside for the purpose of selling.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious possession. It is next submitted that the tractor was kept in an open field, which was accessible to all and any recovery made from the said tractor, the petitioner cannot be held responsible. It is also submitted that only because of past criminal antecedent, the name of the petitioner has been implicated in this case. It is lastly submitted that the petitioner is in custody since 02.02.2022 and charge-sheet has been submitted on 16.02.2022 and now the case is fixed for framing of charges and he is giving undertaking that he will cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and he has been found involved in similar kind of cases.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from a tractor, which was found kept behind the house of the petitioner and moreover the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the actual conscious possession of the petitioner and he is in custody since 02.02.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-II, Jehanabad in connection with Kurtha (Manikpur O.P.) P.S. Case No. 208 of 2021 (Excise Case No. 1230 of 2021) subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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