

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40113 of 2021**

Arising Out of PS. Case No.-116 Year-2017 Thana- LAXMIPUR District- Jamui

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BACHCHAN KUMAR @ BACHCHAN SHARMA Son of Sudhir Mistri @
Sudhir Sharma Resident of Village- Gangra, P.S.- Gidhaur, Dist- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudarshan Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Laxmipur (Gidhaur) Police Station Case No. 116 of 2017,
registered for the offences punishable under Sections 272/273 of
the Indian Penal Code and Sections 30 (a)/37/41/45 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police intercepted one car and recovered
170.280 litres of illicit liquor from the same and also arrested
two persons, namely, Kisto Munda and Harshvardhan Kumar,
who were sitting in the car and the name of the petitioner has
been disclosed by the arrested co-accused persons.

Learned Counsel for the petitioner submits that the



petitioner has got no criminal antecedent and he has falsely been implicated in this case on the basis of the disclosure of his name by the co-accused persons, who were arrested at the spot by the police, as the person, on whose instruction the co-accused persons were going to deliver the consignment of liquor to Lakhisarai. He further submits that the petitioner is not the owner of the vehicle, in question, and this fact has been mentioned by the petitioner in paragraph 7 of this application. He further submits that no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner and co-accused persons, who were arrested by the police along with the consignment of illicit liquor, have been granted bail by co-ordinate Bench of this Court, in Criminal Misc. Nos. 40345 and 39423 of 2017. He further submits that the petitioner is in custody since 22.04.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that co-accused persons have been granted bail by this Court, charge sheet has



already been submitted, no illicit liquor has been recovered from the conscious possession and/or vehicle belonging to the petitioner and the petitioner is in custody since 22.04.2021 and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Jamui, in connection with Laxmipur (Gidhaur) Police Station Case No. 116 of 2017.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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