

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41597 of 2021

Arising Out of PS. Case No.-88 Year-2021 Thana- BAISI District- Purnia

=====

GOURAV SHARMA, S/o Jagdish Sharma @ Jagdish Kumar, Resident of
Village- Sainik Colony Sector A, P.S.- Sainik Colony, Jammu, Jammu and
Kashmir.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 21-02-2022 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Baisi P.S. Case No. 88 of 2021 registered
for the offences punishable under Sections 272/273 of the
Indian Penal Code and 30(a)/41/47 of the Bihar Prohibition &
Excise Act. He is in custody since 16.03.2021 having no
criminal antecedent as stated in paragraph '3' of the
application.

Learned counsel for the petitioner submits that as
per the prosecution story, the petitioner was arrested from the
vehicle carrying 7461 liters of liquor. It is submitted that the
petitioner is the driver of the vehicle and he was kept on daily
wages and he was not aware of the fact that illegal liquors are



loaded in the container beneath the paddy Lusk. It is further submitted that the petitioner is not the owner of the vehicle and he was engaged only recently.

It is lastly submitted that petitioner has no criminal antecedent and has remained in custody since 16.03.2021.

Learned counsel for the petitioner submits that the charge has been framed in this case but the trial has not proceeded and it is not likely to be concluded in near future.

It is further submitted that to secure the presence of the petitioner in course of trial, the petitioner is ready to provide one local bailor being permanent resident of the State of Bihar having sufficient means and his credibility may be examined by the learned court below.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner by submitting that the petitioner happened to be the driver of the vehicle from which the liquor has been recovered, this Court, having noticed that the petitioner is in custody for more than eleven months, investigation against him is complete and the charge has already been framed, as informed to this Court, as also that the petitioner is ready to provide one permanent resident of the State of Bihar as a bailor to instill confidence with regard



to his presence in course of trial, he has otherwise no criminal antecedent, directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnia in connection with Baisi P.S. Case No. 88 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

Further condition that the bailors would be a permanent resident of the State of Bihar having sufficient means whose credibility will be verified by the learned court below and on being satisfied with the same, the bail bond shall be accepted.

And further condition that the petitioner shall ensure his presence in course of trial on each and every date fixed in the matter and on two consecutive defaults in putting appearance in the trial court may invite action towards cancellation of bail bond of the petitioner.

And further condition that 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 step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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

