

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35057 of 2022

Arising Out of PS. Case No.-219 Year-2020 Thana- NAANPUR District- Sitamarhi

Uday Kumar, S/o Ramesh Sharma, Resident of Village- Chaupar, P.S.-
Nanpur, District- Sitamarhi, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2022 Today this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner.

Heard Mr. Amrit Abhijat, learned counsel appearing
on behalf of the petitioner and Mr. Akbar Ali, learned APP for
the State.

The petitioner seeks regular bail, who is in custody in
connection with Nanpur P.S Case No. 219 of 2020 registered for
the offences under sections 30, 30(a), 38, 41 of Bihar
Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information that co-accused Nitin Sahi along with the
petitioner and the other associates have stored huge
consignment of foreign liquor raided the house of the petitioner
and other, however, on noticing the police party, it is alleged that



the petitioner and the others fled away. On search being made, it is alleged that 1473.12 liters of illicit liquor from a pick-up van and 108 liters of illicit liquor from a Bolero Vehicle and 1102.92 litres of foreign liquor was also recovered from the fodder house of the petitioner, totaling 2687.40 liters of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from the pick-up van and bolero vehicle, which belong to other co-accused persons and the petitioner has no concern with the vehicles. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from actual conscious possession of the petitioner. However, on the disclosure made by the police personal, his name has been implicated. It is next submitted that other co-accused persons, who were apprehended at the spot, have already been granted bail by the different learned co-ordinate Benches of this Court in Cr. Misc. No.29858 of 2020, Cr. Misc. No. 32009 of 2020 and Cr. Misc. No. 34694 of 2020, the copies of the order passed in the aforesaid cases have been annexed as Annexure-2 series to the bail application. It is further submitted that the alleged recovery shown to be made from the Dalan/fodder house of the



petitioner is under joint family possession and the same is accessible to all. It is lastly submitted that the petitioner is in custody since 20.05.2022 having man of fair antecedent and after conclusion of the investigation, charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge consignment of illicit wine was recovered from the Dalan of the petitioner.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from the Dalan of the petitioner, which is accessible to all and moreover the petitioner is in custody since 20.05.2022 having man of fair antecedent, apart from the fact that other co-accused persons, who were apprehended at the spot, have already been granted bail by different learned coordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-II, Sitamarhi in connection with Nanpur P.S. Case No. 219 of 2020, 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.

(Harish Kumar, J)

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