

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39520 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- DAGARUA District- Purnia

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Shekhar Sarkar @ Shakhhar Sarkar S/o Jiban Sarkar R/o village- Nuxal Bari
(Nehan Jot), P.S.- Nuxal Bari, District- Darjeeling (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Adv

For the Opposite Party/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Dagarua P.S. Case No. 28 of 2022 for the
offences punishable under Sections 272 and 273 of the
Indian Penal Code and section 30(a), 41 of the Bihar Excise
(Prohibition) Amendment Act.

As per the prosecution case, it is alleged that in
course of vehicle checking, the police intercepted a Hyundai
Verna Car which was being driven by accused Pappu
Sharma apprehended by the police and on search 160 liters



foreign made liquor was recovered.

Learned counsel for the petitioner submits that the petitioner had neither any concern with the illicit liquor nor any incriminating article has been recovered from his person and possession. He further submits that the alleged recovery has been made from the car which does not belong to the petitioner. He next submits that owner of the car has already been made accused. So far as the petitioner is concerned, he is having fair antecedent is in custody since 28.01.2022.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner is having fair antecedent is in custody since 28.01.2022 and moreover, investigation has already been completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I Purnea in connection with Dagarua P.S. Case No.



28 of 2022 subject to the condition that one of the bailors will be the close relatives 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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