

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40719 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- JALE District- Darbhanga

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RAMBHU SHARMA SONS OF SUBODH SHARMA R/O VILLAGE-
MALIKPUR, P.O.- RATANPUR, P.S.- JALLEY, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Adv.
For the Opposite Party/s	:	Mr.Pushpa Sinha
For the State	:	Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Jalley
P.S. Case No. 136 of 2021 dated 09.09.2021, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 630 litres foreign liquor from the TATA Magic in question.

Learned counsel for the petitioner submits that
petitioner is not named in FIR and his name transpired being the
owner of the said TATA Magic. It is further submitted that the



petitioner is in custody since 04.05.2022 and bears no criminal antecedent. Learned counsel specifically submits that charge sheet has been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has sold the alleged TATA Magic to another person as mentioned in Annexure 2 of the petition.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I (Excise Act), Darbhanga in connection with Jalley P.S. Case No. 136 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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