

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58188 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- BARBIGHA District- Sheikhpura

Sanjay Kumar, Son of Ram Badan Sharma, Resident of Village- Bihat,
Sudisthan, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Barbigha (Keoti O.P.) P.S. Case No. 242 of 2021 for the offences punishable under Sections 30(a)/37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police on secret information intercepted the Toyota Korola car, which is being run by this petitioner and on search 163.5 litres of foreign liquor was recovered. It is also alleged that the petitioner has also been found in drunken condition.



It is submitted on behalf of learned counsel for the petitioner that the vehicle does not belong to the petitioner and he was only driving the said vehicle. It is further submitted that there is absolutely no compliance of Section 100 of the Cr.P.C. inasmuch as the seizure list witnesses are police constables and there is no independent witness. It is next submitted that the petitioner has got no criminal antecedent and he is in custody since 12.08.2021 and, moreover, investigation has already been concluded and charge-sheet has also been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of liquor was recovered from the car, in question.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the car, in question, does not belong to this petitioner and he is in custody since 12.08.2021 having no criminal antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II, Sheikhpura in connection with Barbigha (Keoti O.P.) P.S. Case No. 242 of 2021 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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