

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50603 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

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ASHISH SHARMA @ ASIM SHARMA S/o Lalta Prasad Sharma @ Lalta
R/o village- Raja Bazar, P.S.- Maharajganj, District- Jaunpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhash
For the Opposite Party/s : Mr.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Mohania P.S. Case No. 414 of 2022, registered for the offences
punishable under Section 414 of the IPC and Sections 30(a), 36,
41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 450 illicit wine from the pick up van in question. Petitioner is
apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 03.08.2022 and bears no criminal
antecedent. He further submits that from the perusal of the FIR,



it appears that petitioner is a co-driver(cleaner) and nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that petitioner was not aware about the illegal liquor has been loaded on the said vehicle, he was doing only his duty as per instruction of his owner. He further submits that petitioner is quite innocent and falsely implicated in the case due to dirty village politics.

The learned A.P.P. for the State vehemently 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, argument advanced on behalf of both sides 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, Excise-1, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 414 of 2022, 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)

vashudha/-

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