

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55188 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Kuldeep @ Kuldip Sharma @ Kuldip Bhardwaj Son of Bhagirath Sharma Resident of Plot No.- 24/1-A2 Block, Dharampura, Najafgarh, P.S.- Najafgarh, District - South West Delhi (In the FIR address of petitioner has been wrongly stated as resident Jhajhar, Haryana, Anoj Mandi above the Shop No.- 22 Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Mohania P.S. Case No. 237 of 2021 registered for the offence under Sections 420, 467 and 471 of the Indian Penal Code and Section 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 11.08.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there was recovery of 3777.48 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of apprehended driver, namely, Arun Sidharth, where nothing surfaced, during the course of investigation, to connect this petitioner with recovery of alleged illicit liquor. It is further submitted that said co-accused person, Arun Sidharth, has already been granted bail by one of the learned Court through Cr. Misc. No. 45426 of 2021 vide order dated 10.12.2021. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohania P.S. Case No. 237 of 2021 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-I, Kaimur at Bhabua/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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