

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67643 of 2021

Arising Out of PS. Case No.-97 Year-2019 Thana- DHANSOI District- Buxar

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ARUN SHARMA S/O LATE VANSHIDHAR SHARMA R/o village-
Badhari, P.S.- Karahgar (Badhari O.P.), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Dhansoi P.S. Case No. 97 of 2019 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

The police, upon secret information, intercepted the pick-up van and recovered/seized 53 cartoons of Royal Stag Whisky English Liquor each containing 48 bottles of 180 ml totalling 457 liters 920 ml. Accordingly, the FIR came to be instituted and the petitioner being named in the said FIR, he came into judicial custody on 14.07.2021 (as stated in paragraph-9 of the bail application).

Learned counsel for the petitioner submits that he is



neither owner or driver nor the cleaner and his name has come up in the FIR only because his phone number was printed on the body of the pick-up van. He further submits that he had no concern with the said vehicle and he was not apprehended from the spot and as such, the movement and/or seizure of the said foreign liquor in no way can be attributed to him. He made a categorical assertion that he has nothing to do with the said van. He lastly submits that he has no criminal antecedent.

Considering the fact that the petitioner is neither the owner or the driver nor the cleaner of the vehicle, was not arrested from the spot, has no criminal antecedent and he is in jail since 14.07.2021, this Court is inclined to grant him the privilege of bail subject to the fact that if it is found that he do have criminal antecedent, this order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Buxar in connection with Dhansoi P.S. Case No. 97 of 2019, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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