

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67353 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

-
1. Baibhav Sharma, Son of Sanjay Sharma Resident of Village- B/2 335 Tara Nagar, P.S.- Kakraul New Delhi, Dwarika Sector- 17B District- Dwarika (Najphgarh).
 2. Mukesh Kumar Son of Girdhari Lal Resident of Village- E-16, PKT-2 JJ Colony, Dwarka, P.S.- Sector 17B, District- Dwarika.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

The petitioners are in judicial custody in connection
with Excise Case No.242 of 2021 instituted under Section 30(a)
of Bihar Prohibition and Excise Act, 2018.

As per the FIR, on 09.08.2021 at about 02.15 PM a
Excise Team received a secret information and on that basis a
Maruti Suzuki Zen Car bearing Reg. No.BR01-01-BK 7808 was
intercepted at NH-2 and searched. The officials found in a box
349 pieces of Night Blue of 180 ml. each and 68 pieces of 750
ml. each, totaling 113.820 liters illegal alcohol. The driver of the



vehicle, Baibhav Sharma (the petitioner herein) and other accuseds were arrested. Thereafter, the seizure list was prepared and recovered alcohol as well as the said Maruti car was taken into possession by the police which resulted into institution of the case.

Learned counsel for the petitioners submit that the petitioner no.1 was driving the car while the petitioner no.2 was seated in it. He submits that both of them are in jail since 10.08.2021 (as stated in para-10 of the bail application), and do not have criminal antecedent. He further submits that, if in case it is found that any of the petitioners have criminal antecedent, the bail granted by this Court may become infructuous.

Considering the aforesaid fact that the charge sheet has been submitted and have no criminal antecedent and are in jail since 10.08.2021, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Excise Case No.242 of 2021 to the satisfaction of learned Additional District Judge,Ind-cum-Special Judge Excise, Rohtas at Sasaram, subject following conditions:

(i) if it is found that any of petitioners have criminal antecedent, the bail order with respect to that petitioners shall



become infructuous;

(ii) the petitioners 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 cancellation of their bail by the Trial court itself;

(iii) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

