

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13128 of 2023

Arising Out of PS. Case No.-490 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. BRAHAMDEV SHARMA @ BRAHAMDEO SHARMA SON OF RAJENDRA SHARMA R/O VILLAGE- PATAUAHA, WARD NO.2, P.S. AND DISTRICT- SAHARSA
2. INDRADEV SHARMA @ INDRADEO SHARMA SON OF RAJENDRA SHARMA R/O VILLAGE- PATAUAHA, WARD NO.2, P.S. AND DISTRICT- SAHARSA
3. RAHUL SHARMA @ RAHUL KUMAR SON OF LAKKAR SHARMA @ SHIV NARAYAN SHARMA R/O VILLAGE- PATAUAHA, WARD NO.3, P.S. AND DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Saharsa Sadar P.S. Case No. 490 of 2022 registered for the offences punishable under Sections 30(a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

As per prosecution case, there is alleged recovery of 409.320 litre illicit foreign liquor from the house of petitioner no. 2. It is further alleged that petitioner no. 1 and 3 were apprehended on the spot while petitioner no. 2 was not



apprehended on the spot.

Learned counsel for the petitioners submits that petitioner no. 1 and 3 are in custody since 15.07.2022 and petitioner no. 2 is in custody since 30.08.2022. He further submits that petitioner no.1 and 3 bear no criminal antecedent and petitioner no. 2 bears criminal antecedent of two cases in which he is on bail and the said cases are not similar to the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. 2nd (Exclusive Special Excise) Judge, Saharsa in connection with Saharsa Sadar P.S. Case No. 490 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) Petitioners 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 petitioners tamper 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)

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