

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16431 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- BHORE District- Gopalganj

SHARWAN KUMAR Son of Bhageran Ray R/v- Saidpur, P.S.- Dariyapur,
District- Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
14.01.2023 in connection with Bhore P.S. Case No. 09 of
2023, F.I.R. dated 13.01.2023 registered for the offence
punishable under Sections 30(a), 41(i) of Bihar Prohibition
and Excise Act, 2016.

Recovery is of 86.040 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits
that it appears from the FIR as well as the seizure list that
nothing has been recovered from conscious possession of the



petitioner rather the recovery has been made from the Tempo in question and the petitioner is driver of the Tempo in question and the owner of the Tempo is one Guddu Kumar and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.01.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise-1, Gopalganj in connection with Bhore P.S. Case No. 09 of 2023, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled



by the Court below.

(2) 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.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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