

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17380 of 2023

Arising Out of PS. Case No.-14 Year-2022 Thana- JALALGARH District- Purnia

Sunil Bhardwaj @ Sunil Kumar @ Sunil Kumar Sharma Son Of Kalyan Sharma R/O Village- Noorpur Naniya, P.S.- Glauti, District- Bulandsahar (U.P.), At Present Plot-71, Block-C, Sector- Eta-1, Greater Noida, P.S.- Beta-2, District- Gautam Budha Nagar, New Delhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 272, 273, 34 of the Indian Penal Code and Section 41, 47 and 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 14967.25 litres of different brands of IMFL from a truck bearing registration no. PB19M-6234 and driver and khalasi namely, Mangi and Gagandeep were apprehended on spot and they disclosed the names of other accused persons as of his associates.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his possession. Pristine Distilleries is a registered company having GST number in the name of company and is paying regular excise duty and is authorized/licensee for manufacturing of liquor and spirit by the government. The petitioner is the signatory authority of the said company and he has no work to look after the same and distribution of work. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 15.07.2022 passed in Cr. Misc. No. 29774 of 2022. Petitioner was arrested in Phulwari Sharif PS Case No. 12 of 2022 and thereafter, he was remanded in several cases one after another. He is languishing in judicial custody since 30.01.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge Court NO. 1 Purnea in connection with Jalalgardh PS Case No. 14 of 2022.

(Sunil Kumar Panwar, J)

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