

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16877 of 2023

Arising Out of PS. Case No.-238 Year-2019 Thana- BAISI District- Purnia

Sunil Bhardwaj @ Sunil Kumar @ Sunil Kumar Sharma, Son Of Kalyan Sharma, Resident Of Village- Noorpur Naniya, P.S. - Glauti, Distt.-Buland Sahar, (U.P.). At present Plot-71, Block-C, Sector-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

6 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 30(a), 33, 41 and 47 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 8000 litres of spirit from a truck bearing Reg. No. WB25G5523 and apprehended the driver, Rashan Ali and khalasi Faidul who disclosed the names of other accused persons as of their associates.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He is not named in the FIR. He has no concern with the alleged recovery or with the place of occurrence. 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 their possession. Pristine Distilleries is a registered company having GST number in the name of company and is paying regular excise duty and is authorized for manufacturing of spirit and liquor by the government. The petitioner is the signatory authority of the said company and he has no work to look after the sale and distribution 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 is languishing in judicial custody since 21.01.2023.

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 Jude, Court No. 1, Purnea in connection with
Baisi PS Case No. 238 of 2019.

(Sunil Kumar Panwar, J)

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