

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47541 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- PARBATTI District- Bhagalpur

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SUNIL SHARMA Son of Kailash Sharma @ Kailu Sharma Resident of
Village-Buddhuchak, Police Station-Gopalpur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
15.03.2023, in connection with Parbatta P.S. Case No. 109 of
2022, F.I.R. dated 11.09.2022 registered for the offences
punishable under Sections 420, 467, 468, 471, 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Recovery is of 160.200 litres of foreign liquor.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the name of the
petitioner has been transpired on the basis of disclosure made by
co-accused person namely Ganga Sharma and the alleged



recovery of the illicit liquor has been recovered from the vehicle in question. He further submits that nothing has been recovered from the possession or the house of the petitioner and the petitioner is neither the owner nor the driver of the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and the other co-accused person and except the disclosure made by co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-2,



Bhagalpur in connection with Parbatta P.S. Case No. 109 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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