

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54103 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- BALIA BELON District- Katihar

PAWAN SHARMA SON OF LATE BHUTKU SHARMA RESIDENT OF
VILLAGE - KANTA, P.O. - MILIK PEHLEGARH, POLICE STATION -
KADWA IN THE DISTRICT OF KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is an accused in connection with G.R.
No. 3207 of 2023, Balia Belon P.S. Case No. 71 of 2023
registered for the offences under sections 30(a) of the Bihar
Prohibition and Excise Act lodged on 04.06.2023 by the
informant, Ravindra Kumar.

As per the prosecution story, the police intercepted a
motorcycle and upon search, 27.50 litres foreign liquor of
different brands recovered/seized and further from the second
motorcycle, 23.23 litres of foreign liquor recovered/seized. This
followed the FIR.

The case of the petitioner is that nothing has been
recovered from his possession and the police only to implicate



had put the story of recovery of 27.50 litres of foreign liquor from his motorcycle and he has already suffered by being in custody since 05.06.2023 (as stated in paragraph 13 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the submissions put forward by the learned Counsel for the petitioner as also his period of custody (05.06.2023), FIR lodged and ultimately will face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Katihar in connection with G.R. No. 3207 of 2023 (arising out of Balia Belon P.S. Case No. 71 of 2023), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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