

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57460 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- KOCHAS District- Rohtas

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KRISHNA NARAYAN SHARMA @ KRISHNA NARAYAN SINGH SON
OF LATE HARI NARAYAN SHARMA RESIDENT OF VILLAGE- MAIN
ROAD, MASURGANJ, WARD NO 69, PS- MALSALAMI, DISTRICT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Kochas P.S. Case No. 194 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018, lodged on 04.07.2023 by the informant, Amod Kumar.

3. As per the prosecution story, the allegation is that while on night patrolling on confidential information, a Hundai car was intercepted and 355.320 litres of foreign litres were recovered / seized and both Anand Singh, the driver and Prince Kumar Singh were arrested. The accused apprehended and gave the name of this person/ petitioner, who was guiding them on his motorcycle. Accordingly, he was also roped as an accused.

4. It is the case of the petitioner that he was moving



on the road by motorcycle and certainly not violating the movement of the said Hyundai car, is not its owner and only on the basis of confession of the accused person has been implicated, do not have criminal antecedent and is in custody since 04.07.2023 (Paragraph 4 of the bail petition.

5. Learned APP opposes the prayer for bail stating therein that he was working as liner.

6. Considering the submission put forward by the parties and the fact that recovery is from the Hyundai car, two accused persons, namely, Anand Singh and Prince Kumar Singh have been arrested and on whose confession, the name of the petitioner has come, does not have own car, is in custody since 04.07.2023 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. Let the petitioner 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 Court No.2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection with Kochas P.S. Case No. 194 of 2023 subject to 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 the 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.

(Rajiv Roy, J)

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