

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57739 of 2023

Arising Out of PS. Case No.-452 Year-2022 Thana- PAHARPUR District- East Champaran

SANJAY SARKAR S/o JAGDISH SARKAR Resident of village - Dewa
Chhip colony ward no. 24, Silguri, P.S. - Siliguri, Distt. - Darjeeling

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard Mrs. Rashmi Jha, learned Counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with Paharpur P.S. Case No. 452 of 2022 registered for the offences under sections 414, 420, 467, 468, 471 and 120B of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 18.12.2022 by the informant, Abhinav Kumar Dubey.

As per the prosecution story, the allegation is that the police intercepted a container and recovered/seized 7050 litres of spirit and apprehended Sujeet Kumar. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the arrested person named above, confessed that this was going to be delivered to the other accused persons, has taken name of



more than half a dozen people, it includes the petitioner herein.

It is the case of the petitioner that he has nothing to do with the alleged recovered spirit, his name has come in the confessional statement, nothing recovered from his conscious possession, the said Sujeet Kumar has since been granted bail in Cr. Misc. No. 21859 of 2023 (Annexure 2 to the petition).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that huge quantity of spirit has been recovered/seized and he has criminal antecedent.

Considering the submissions put forward by the learned Counsel for the petitioner and the State as also the fact that nothing has been recovered from his conscious possession, name has come in the confessional statement and Sujeet Kumar who was apprehended from the spot has been granted bail, as stated above, 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, Motihari, East Champaran in connection with Paharpur P.S. Case No. 452 of 2022, 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)

Neha/-

U		T	
---	--	---	--

