

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64630 of 2023

Arising Out of PS. Case No.-379 Year-2023 Thana- MASHRAK District- Saran

1. SHIV LAL SHARMA Son of Late Shiv Bachan Sharma Resident of Village - Gangauli, South Tola, P.S.- Mashrakh, District - Saran at Chapra.
2. Sakendra Singh @ Sikendra Singh Son of Nagendra Singh Resident of Village - Gangauli, South Tola, P.S.- Mashrakh, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv
For the Opposite Party/s : Mr.Khurshid Anwar, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seeks regular bail in connection with Mashrak P.S. Case No. 379 of 2023 registered on 18.07.2023 lodged under Sections 30(a) of Bihar Excise and Prohibition Act 2016.

3. As per the prosecution case, total recovery of 1375 litre of illicit spirit is subject matter of this case.

4. Counsel for the petitioners submits that the said liquor has been recovered from the land of one Nagendra Singh not from the possession of the petitioners. Counsel further



submits that petitioners were not arrested on the spot. The name of the petitioners have been figured in this case by the virtue of disclosure of confessional statement of the co-villagers.

5. Counsel further submits that petitioners are innocent and has committed no offence. He further submits that petitioners are in custody since 20.07.2023. Counsel submits that Petitioner No. 1 is having two criminal case which is still pending in which he is on bail whereas petitioner no. 2 has clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner no. 1 above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge- 2, Saran at Chapra in connection with Mashrak P.S. Case No. 379 of 2023 with following conditions as well as the subject to the conditions laid down under Section 437(3) Cr.P.C

(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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. So far as Petitioner No. 2 above named is concerned, let he be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge- 2, Saran at Chapra in connection with Mashrak P.S. Case No. 379 of 2023 subject to the conditions laid down under section 437(3) of the Cr.P.C.

(Dr. Anshuman, J)

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