

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65522 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- RAGHOPUR District- Supaul

Shambhu Sharma aged about 40 years, male, Son of Laxman Sharma R/V-
Sitapur, Ward No. 01, P.S- Karjien, Dist- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Adv.
For the State : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (*for brevity, APP*) appearing for the
State of Bihar.

The petitioner seeks bail in connection with Raghopur
PS Case No. 116 of 2022, registered for the offence punishable under
Sections 30(a) and 38(i) and 41(i) of the Bihar Prohibition and
Excise Act, 2018.

From three different places, there is alleged recovery of
2403 litres of illicit liquor. It is alleged that 1800 out of the same, is
recovered from the petitioner's pickup vehicle.

Learned counsel for the petitioner submits that even as per
the prosecution case, the vehicle was being driven by someone else.
The petitioner was not present at the place of recovery. It is submitted
that he had no knowledge of liquor being transported by his driver
and under similar circumstances, he was earlier implicated in
Karjain PS Case No. 159 of 2019. Co- accused, namely, Ganga
Yadav has already been allowed bail in Criminal Miscellaneous No.



53102 of 2022. Recovery is denied and disputed by the petitioner's counsel. It is submitted that recovery is not in accordance with law.

The petitioner is in custody since 20-08-2022.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Exclusive Excise Court No.2, Supaul, in connection with Raghapur PS Case No. 116 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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