

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67027 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- GUTHANI District- Siwan

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Bipin Sharma @ Vipin Kumar Son Of Vidya Ram Sharma R/O Village-
Sursaina, P.S.- Wazirganj, District- Badayun (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv

For the Opposite Party/s : Mr. Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Guthani P.S. Case No. 247 of 2022 registered under Section 30(a) of Bihar Prohibition and Excise Act.

There is alleged recovery of 172.800 litres foreign liquor from a Scorpio vehicle in which the petitioner was seated, as per allegation.

Learned counsel for the petitioner submits that having no



antecedents, the petitioner has been taken into custody, while he had taken a ride on vehicle in question. He has thus become victim of the circumstance. He is in custody since 23.09.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, period of custody and clean antecedent, as also the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Siwan in Guthani P.S. Case No. 247 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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