

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70441 of 2023

Arising Out of PS. Case No.-552 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Prem Chandra Sharma @ Vishwakarma Sharma @ Premchand Sharma S/O
Rajnarayan Sharma Village- Khairadhubundhar, Ps. Bikramganj, Dist. Rohtas
At Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Mohania P.S. Case No. 552 of 2023 registered under section 414 of the IPC and Sections 30(a), 47 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 126 liters illegal foreign made liquor from a tempo and the petitioner was also apprehended on the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is further submitted that nothing incriminating has been recovered



from the conscious possession of the petitioner and he has no concern with the seized illicit liquor. It is also submitted that the petitioner is not the owner of the said tempo. During preparation of seizure list Section 100 of the Cr.P.C. has not been followed. The petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 09.08.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioner has been arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 5,000/- (Rs. Five Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Mohania P.S. Case No. 552 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-I-cum ADJ-IV, Kaimur at Bhabhua.



The bail bonds of the petitioner shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 5,000/- (Rs. Five Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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