

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1928 of 2023

Arising Out of PS. Case No.-324 Year-2021 Thana- SONBERSA District- Sitamarhi

SUMIT SHARMA @ SUJIT SHARMA @ SUMIT KUMAR @ SUMIT KUMAR SHARMA Son of Manoj Sharma Resident of Village - Mehsaul, Ward No.- 7, P.S.- Sitamarhi (Town), District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 08.09.2022 in connection with Sonbarsa P.S. Case No.324/2021, F.I.R. dated 12.11.2021, for the offences punishable under Sections 414 of the IPC & Section 30(a) of the Bihar Prohibition and Excise Act.

According to prosecution case, 261 litres of illicit liquor has been recovered from the vehicle.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from conscious possession



or the house of the petitioner rather the recovery has been made from the car in question and the name of the petitioner has been transpired on the basis of disclosure made by the co-accused, namely, Ranjit Sharma. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or car in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Exclusive Special Excise Court-I, Sitamarhi in connection with Sonbarsa P.S. Case No. 324/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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