

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73043 of 2022

Arising Out of PS. Case No.-353 Year-2021 Thana- SHERGHATI District- Gaya

RAM PRAVESH SHARMA Son of Late Surajdeo Sharma R/V- Jagdhar PS-
Tekari, Dist- Gaya bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with Shergahati (Dobhi) P.S. Case No. 353 of 2021 instituted under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2016.

As per the prosecution story, the police alleged that in course of checking of the vehicle, it intercepted a Scorpio and beneath the driving seat, two bottles of liquor containing 375 ml each totalling 750 ml foreign liquor was/were recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the car was being driven by the driver of Amrapali Tour and Travels Company whom he had leased the vehicle and only because he



is the owner, he has been implicated in this case and further, is a retired person and has nothing to do with the alleged seized liquor.

The last submission is that he do not have criminal antecedent.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts that the petitioner is the owner of vehicle, had leased it to Tour and Travel Agency and further is a retired man having no criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sherghati (Dobhi) P.S. Case No. 353 of 2021 to the satisfaction of learned Addl. Sessions Judge-IIInd cum Special Judge of Excise Act, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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