

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.245 of 2023

Arising Out of PS. Case No.-683 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Rajesh Sharma @ Rajesh Kumar Sharma Son Of Sitaram Thakur R/O
Village- Panapur Langa, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
02.12.2022 in connection with Hajipur Sadar P.S. Case No.
683 of 2020, F.I.R. dated 29.10.2020 registered for the offence
punishable under Sections 30(a), 36,41(1) of Bihar Prohibition
and Excise Act.

Recovery is of 1221.9 liters of India made foreign
liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that it appears from the FIR as well as the
seizure list that nothing has been recovered from conscious
possession of the petitioner rather the recovery has been made



from Goat Farm of co-accused Lal Babu Rai and from the Palani of co-accused Manoj Rai and the name of the petitioner has been transpired on the basis of the disclosure made by local Chaukidar. Further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the co-accused persons and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more case other than the present one.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner and the name of the petitioner has been transpired on the basis of the disclosure made by local Chaukidar, 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 learned Exclusive Special Excise Court No.-1-cum-Addl. District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 683 of 2020, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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