

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.532 of 2023

Arising Out of PS. Case No.-589 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

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

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under section 414 of Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 1113.42 litres of Indian Made Foreign Liquor from the house of co-accused Naresh Sharma and 219.750 litres of Indian Made Foreign Liquor from a Omni van bearing registration number BR-10-5900.

Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the place of occurrence. The alleged van from where the illicit liquor has been recovered does not belong to the petitioner. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. He is languishing in judicial custody since 02.12.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period under custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali, Hajipur in connection with Hajipur Sadar P.S. Case No. 589 of 2020.

(Sunil Kumar Panwar, J)

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