

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75302 of 2022

Arising Out of PS. Case No.-271 Year-2022 Thana- BAKHARI District- Begusarai

SHANKAR SHARMA @ UTTAM SHARMA Son of Ram Balak Sharma
Resident of Village - Karnojora, Kamalawari, P.S.- Raiganj, District - North
Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhubneshwar Mahto

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner prayed for regular bail in connection
with Bakhari (Parihara) P.S. Case no. 271 of 2022 instituted for
the offence under Sections 414 of IPC and Sections 30(a)/32 of
the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 738 liters of
wine of different category in different measurement from his
possession, who is said to be the Conductor (Khalasi) of the
seized vehicle.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has falsely been implicated in this present case



merely on the basis of suspicion. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery or with the place of occurrence. Petitioner is neither the owner and driver of the pick up van nor any incriminating articles have been recovered from his conscious possession. The petitioner is languishing in judicial custody since 25.08.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail and submitted that the petitioner is Khalasi of the seized vehicle from where the recovery has been made and also he was arrested on the spot.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bakhari (Parihara) P.S. Case No. 271 of 2022 on furnishing bail bond of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Excise Judge-cum-Additional Sessions Judge-2 Begusarai.



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

(Sunil Kumar Panwar, J)

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