

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26418 of 2024

Arising Out of PS. Case No.-651 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

Shiv Kumar Sharma S/O Ram Shankar Sharma @ Ramsarkar Sharma R/O
Village- Jiyay, P.S- Muffasil, Distt.- Siwan.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Siwan Muffasil P.S. Case No. 651 of 2023 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of 495 liters of illegal liquor from a Tata Sumo vehicle.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not apprehended on spot. The name of the petitioner has come into light on the basis of disclosure by spy. Petitioner was neither the owner nor the driver of the seized vehicle. Petitioner has no concern with the alleged recovery of



liquor. On the basis of suspicion and due to his criminal antecedents, petitioner has been implicated in the present case by the police. The provision of Section 100 of the Cr.P.C. has not been followed in this case. The petitioner is in custody since 29.02.2024 and has three criminal antecedents.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Siwan Muffasil P.S. Case No. 651 of 2023.

(Rudra Prakash Mishra, J)

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