

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30201 of 2024

Arising Out of PS. Case No.-315 Year-2022 Thana- KHAGARIA District- Khagaria

=====

Sushil Sharma @ Sushil Kumar @ Sushil Kumar Sharma, S/o- Shikhari
Sharma R/o Vill- Ahuna, P.S.- Bahadurpur (Alouli), Dist- Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nitin Kumar, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 30-08-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
2. The accused/petitioner is not named in F.I.R.
- and apprehending his arrest in connection with Khagaria
- P.S. (Muffasil) Case No. 315 of 2022, registered for the
- offences punishable under Section 30(a) of the Bihar
- Prohibition and Excise Act.
3. The allegation against the petitioner is to be
- engaged in illegal trading/manufacturing of illicit liquor,
- where, there is recovery 5139 of IMFL/country made
- liquor from the vehicle.



4. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner appears in this case out of suspicion on the basis of confessional statement of co-accused Jitendra Kumar, where in furtherance of said confessional statement, no incriminating material including illicit liquor appears to be recovered from the possession of this petitioner, suggesting his involvement with crime in question. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases of similar nature, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as save and except suspicion arising out of confessional statement of co-accused, nothing *prima facie* incriminating appears against this petitioner suggesting any involvement *qua* recovery of illicit liquor,



accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-II, Khagaria/concerned Court, where the case is pending in connection with Khagaria P.S. (Muffasil) Case No. 315 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

