

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27108 of 2024

Arising Out of PS. Case No.-450 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Shiv Kumar Sharma Son of Rama Shankar Sharma @ Ramasarkar Sharma
Resident of Village - Jiyay, P.S. - Muffasil, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Advocate.

For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-04-2024 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks bail in connection with Siwan Muffasil P.S. Case No. 450 of 2022 dated 7.8.2022, registered for the offences punishable under Sections 30(a), 41(1) and 45 of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, total 315 litres of country made liquor was recovered from a Scorpio and Motorcycle.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been arrested from the spot and no recovery has been made from his conscious possession. The name of the petitioner has



transpired in the confessional statement of co-accused. He also submits that other co-accused persons have been enlarged on bail by this Court as well as co-ordinate Bench of this Court vide orders dated 10.2.2023, 19.11.2022 and 25.11.2022 passed in Cr. Misc. 72776 of 2022, 51618 of 2022 and 54495 of 2022 respectively.

5. He further submits that the petitioner has been languishing in jail since 01.03.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases of similar nature.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier for grant of anticipatory bail vide Cr. Misc. No. 53888 of 2022.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of Ld. Exclusive Special Excise Judge, Court No.II, Siwan, in connection with Siwan Muffasil P.S. Case No. 450 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a Police Officer/Court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the Police or the Court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

S.Ali/Shoib

(Jitendra Kumar, J)

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