

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48700 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- PATNA RAIL P.S. District- Patna

Sudhanshu Kumar Sharma, aged about 55 years, Male, S/o Rajendra Sharma,
R/o Village- Prithwipur Ward No.12, P.S.- Salimpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Sharma, Advocate

For the Opposite Party : Mr. Md. Mushtaque Alam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 29-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Rail
P.S. Patna Junction Case No. 359 of 2024, Special Case No. 747
of 2024 dated 28.05.2024 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

3. As per the prosecution case, total 189.750 litres of
illicit foreign liquor was recovered from three wheeler on which
the petitioner and two other co-accused persons, namely, Ajit
Kumar and Suraj Kumar were sitting.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner has been made accused in the present case on the basis of suspicion. No incriminating article has been recovered from the possession of the petitioner. The alleged parcels containing liquor is not in the name of the petitioner and he is not a buyer, seller or consumer of the recovered liquor. The petitioner was deputed in parcel and he conveyed parcels to the name addressed persons. It is further submitted that no one has come forward as independent witness to the alleged recovery of the liquor. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Ajit Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 51815 of 2024 under order dated 22.07.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 28.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise 1st, Patna in connection with Rail P.S. Patna
Junction Case No. 359 of 2024, Special Case No. 747 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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