

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84252 of 2023

Arising Out of PS. Case No.-718 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. SHER SINGH SON OF JAGANLAL RESIDENT OF VILLAGE-
FATEPUR SAMSOYE, PS- BHOJPUR, DISTT- SAMBAL, UP
2. SUNIL KUMAR SHARMA @ SUNIL KUMAR SON OF RAMESH
CHANDRA RESIDENT OF VILLAGE- D/103, STREET NO. 02 WEST
KARAWAL NAGAR, PS- KARAWAL NAGAR, DISTT- NORTH DELHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Adv.
For the Opposite Party/s : Mr.Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

1. The petitioners seek bail in connection with Mohania P.S. Case No. 718 of 2023 registered for the offences punishable under Sections 420, 467, 468, 34 of the I.P.C. and Sections 30(a) and 47 of the Bihar Prohibition and Excise Amendment Act, 2018.

2. As per prosecution case, 3087 litre foreign liquor was recovered from the D.C.M. truck in question and petitioners were apprehended on the spot.

3. Learned counsel for the petitioners submits that petitioner no. 1 is driver and petitioner no. 2 is owner of the said



truck in question. He further submits that the transporters have played foul game with the innocent petitioners by putting the illicit liquor beneath the cotton bags which have been loaded in the D.C.M. truck in question. Petitioners have no knowledge regarding the alleged liquor that has been kept in the said truck. They have nothing to do with the alleged occurrence. There is no compliance of Section 100 of Cr.P.C. Petitioners are in custody since 12.10.2023 and they bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise No. I cum A.D.J. - IV, Kaimur at Bhabua in connection



with Mohania P.S. Case No. 718 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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