

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14210 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- SIKARPUR District- West Champaran

1. Kundan Sharma, S/o Late Bhokat Sharma R/O Village-Prakash Nagar Ward No. 12, Police Station-Shikarpur, District-West Champaran.
2. Manjay Patel @ Manjay Kumar S/o Bablu Patel @ Babloo Patel R/o Village-Prakash Nagar Ward No. 12, Police Station-Shikarpur, District-West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sarvesh Kashyap, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 At the outset learned Counsel for the Petitioner is seeking permission to withdraw the petition on behalf of the Petitioner No.1, Kundan Sharma, who has been already arrested.

2. Permission is accorded.

3. Accordingly, the name of Petitioner No. 1, Kundan Sharma is directed to be deleted from the array of the petitioners.

4. Heard learned counsel for the petitioner no.2 and learned APP for the State.

5. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Shikarpur PS. Case No.-04 of 2025, registered for the offence



punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

6. As per allegation, 1186 liters of liquor has been recovered from tractor trolley bearing no.B-275 DI-DLX High Touue TU Bhoomiputra, Engine No. RFNH01477 standing at Narkatiyaganj, Shikarpur Chowk.

7. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the tractor in question does not belong to him nor is he any way connected with the alleged offence. He also submits that there is no cogent evidence available which could connect the petitioner with the alleged offence.

8. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

9. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedents.

10. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

11. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, namely Manjay



Patel @ Manjay Kumar, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, 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 learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran, in connection with Shikarpur PS. Case No.-04 of 2025, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing them and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

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

(Jitendra Kumar, J.)

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