

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49718 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- BYPASS District- Patna

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RAMENDRA SHARMA @ TIWARY Son of Ram Keshav Sharma Resident
of Mohalla- 98, Mahagoli, District- Agra (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 272 and 273 of the Indian Penal Code and
Section 30(a), 32, 36, 41)1)(2) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, about 54137.160 liters of
foreign liquor and 7041.600 liters of country made liquor has
been recovered from godown of co-accused Ravindra Sharma @
Tiwari.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has been made
accused in this case on the basis of disclosure made by the co-



accused, Avinash Gupta @ Raju. He further submits that it is admitted fact that the godown in question was taken by the petitioner on lease from co-accused Avinash Gupta @ Raju from 01.11.2019 to 31.10.2020. He further submits that the alleged recovery was made after the expiry of lease period. He further submits that the petitioner has no concern with the alleged recovery. He further submits that after filing of present F.I.R., the petitioner has falsely been implicated in another five cases. Moreover, the co-accused, namely, Avinash Gupta @ has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2021 passed in Cr. Misc. No. 27607 of 2021. Apart from that, the co-accused, Rupindra Pal and Rohtas have already been granted bail by this Court vide order dated 29.11.2021 passed in Cr. Misc. No.32978 of 2021. The petitioner is rotting in judicial custody since 16.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No.797 of 2021 arising out of Bypass P.S. Case No. 38 of 2021 with the



following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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