

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57960 of 2021

Arising Out of PS. Case No.-237 Year-2021 Thana- FATUA District- Patna

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RAMENDRA SHARMA @ TIWARY Son of Ram Keshav Sharma Resident
of Village - 98, Mahagoli, Distt.- Agra (Utter Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 2499 of 2021 arising out of Fatuha P.S. Case
No. 237 of 2021 for the offence registered under Sections 30(a)
and 56(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 792 litres of
illicit liquor from two Bolero vehicles.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 08.07.2021.
The learned counsel for the petitioner has further submitted that
the petitioner was arrested in one other case i.e. Bypass P.S.
Case No. 38 of 2021 on 17.04.2021 and after getting the



privilege of Section 167(ii) Cr.P.C., he was remanded in the present case on 08.07.2021. It is also submitted that the petitioner was not only remanded in the present case but has been made an accused in five other cases without any rhyme or reason. The learned counsel for the petitioner has next submitted that merely on suspicion and upon information stated to have been collected by the police, the petitioner has been falsely implicated in the present case although the petitioner has got no role to play in the present case inasmuch as he is neither the owner of the Bolero vehicles in question nor any illicit liquor has been recovered from his conscious possession.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the vehicles in question from which illicit liquor has been recovered, does not belong to the petitioner and the petitioner has been remanded in the present case after he was arrested in one Bypass P.S. Case No. 38 of 2021, in which he has already been granted bail apart from the fact that no illicit liquor has been recovered from the



conscious possession of the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Patna in connection with Special Case No. 2499 of 2021 arising out of Fatuha P.S. Case No. 237 of 2021.

(Mohit Kumar Shah, J)

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