

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7697 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- CHENARI District- Rohtas

Arjun Kumar Sharma Son Of Jitendra Sharma Resident Of Village- New
Diliya, Ps- Dehri (T), Distt- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashi Kant, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Chenari P.S. case No.
381 of 2023 instituted for the offences under Section 30(a) of
the Bihar Prohibition and Excise Act and Sections 467, 468 of
the Indian Penal Code.

3. The prosecution case, in short, is that total 833.8
liters liquor is recovered from the truck in question.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. The petitioner has
got no concerned with the alleged recovery of liquor. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner submits that while going to his native village, the petitioner took lift in the said Scorpio vehicle in question. The petitioner is in custody since 18.11.2023 and has got one criminal antecedent in which he is on bail. There is no compliance of Section 100 of Cr.P.C. Similar co-accused has been granted bail by this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 6874 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner, and the claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chenari P.S. case No. 381 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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