

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70678 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- DEHRI TOWN District- Rohtas

Patel Virendra Sharma @ Virendra Kr Sharma @ Birendra Sharma @ Patel
Birendra Sharma, S/o- Late Vindeshwari Sharma @ Bindeshwari Sharma,
Resident of Village- Trigun More, Shiv Mandir Ward No – 33, PS- Dehri
Town District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Dehri Town P.S. Case No. 83 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition Act and Excise Act.

3. As per prosecution case, police received secret information about smuggling of illicit liquor concealed in potato sacks through a pick-up vehicle. The said pick-up vehicle was intercepted and four persons tried to run away after descending from the vehicle. One of them was apprehended. The apprehended co-accused Dheeraj Kumar named the petitioner



and other two co-accused persons for also being involved in the smuggling of illicit liquor. From the pick-up vehicle, 1117.26 litres of India made foreign liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired on the basis of confessional statement of the co-accused Dheeraj Kumar, who has been granted bail by a Coordinate Bench of this Court vide order dated 15.04.2024 passed in Cr. Misc. No.28059 of 2024. The petitioner is not connected in any manner either with the seized liquor or the seized vehicle. Except for the confessional statement of co-accused, there is no material against the petitioner, who is having criminal antecedent of one case in which he is on bail. The learned counsel further submits that the earlier the petitioner moved before this Court for grant of anticipatory bail, but due to his arrest, the said petition was withdrawn. The learned counsel further submits that similarly situated two other co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 02.08.2024 passed in Cr. Misc. No. 39191 of 2024. The petitioner is in custody since 09.06.2024 and charge sheet has been submitted.



5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of material showing involvement of the petitioner and further considering grant of anticipatory bail/regular bail to the other co-accused persons and also considering the period of custody of the petitioner along with submission of charge sheet, he is directed to 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 learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Dehri Town P.S. Case No. 83 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be



cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

