

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25586 of 2020

Arising Out of PS. Case No.-86 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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GUDU MEHTA Son of Arun Mehta @ Arun Kumar Resident of Village -
Shahpur, Ward No. 27, Shahid Nagar, P.S.- Aurangabad (Town), District -
Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Uma Nath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2020 The present petition has been taken up for
consideration through the mode of Video
conferencing in view of the prevailing situation on
account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the petitioner
and Sri Uma Nath Mishra, the learned APP for the
State.

The petitioner seeks regular bail in connection
with Aurangabad P.S. Case No. 86 of 2020,
registered for the offence punishable under
Sections 37(b) / 37(c) of the Bihar Prohibition and



Excise Act and Sections 25(1-B)a, 26 and 35 of the Arms Act.

The case of the prosecution in brief is that on 21.2.2020, the informant, who is the sub-inspector of police, P.S.-Town, District- Aurangabad, got information that some miscreants including the petitioner herein have vandalized the Mahadev petrol pump and have engaged in assaulting the persons present at the patrol pump, whereafter, the informant along with the police force had reached near Shahpur Devi Mandir and apprehended the petitioner, from whom a pistol and a motorcycle were recovered as also the petitioner was found intoxicated.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the petitioner has been implicated in the present case on account of his bad antecedent. It is further submitted that no looted article has been recovered from the petitioner. The



petitioner is stated to be languishing in custody since 22.2.2020.

Per contra, the learned APP 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 period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on bail, however, subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII-Cum-Special Judge (Excise), Aurangabad in connection with Aurangabad (Town) P.S. Case No. 86 of 2020.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two



consecutive defaults, the present privilege of the regular bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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