

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18097 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- RISIYAP District- Aurangabad

Harendra Mehta @ Harendra Singh S/o Ram Chandra Mehta R/o village-
Bardi Khurd, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sanjay kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Risiup P.S. Case No. 85 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition liquor and Excise Amendment Act, 2018.

As per prosecution case, secret information was received that the Bolero vehicle was being used for smuggling of liquor from Jharkhand to Aurangabad. Subsequently, the Bolero pick-up van was intercepted and the driver and two other persons sitting in the vehicle tried to escape but the driver was



apprehended and two co-accused persons made good their escape. From Bolero vehicle, 225 litres of India made foreign liquor was recovered. The apprehended co-accused named this petitioner as one of the persons who fled away from the spot.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The vehicle from which the recovery is said to be made does not belong to this petitioner. Petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. In fact the petitioner has no knowledge about the alleged incident. The charge-sheet has been submitted and the petitioner is in custody since, 05.03.2022. The driver, who was apprehended from the spot, has been granted bail by a co-ordinate Bench vide order dated 08.03.2022 passed in Cr. Misc. 66644 of 2021.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the co-accused has been granted bail by a co-ordinate Bench and charge-sheet has been submitted in this case and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise -2, Aurangabad in connection with Risiup P.S. Case No. 85 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not indulge in similar type of offences in future.

(v) In case of absence for 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)

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