

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60984 of 2022

Arising Out of PS. Case No.-757 Year-2021 Thana- DEHRI TOWN District- Rohtas

Harendra Singh @ Harendra Mehta Son Of Ram Chandra Mehta R/O Village-
Badi Khurd, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61224 of 2022

Arising Out of PS. Case No.-757 Year-2021 Thana- DEHRI TOWN District- Rohtas

MAKKA ALAM Son of Mukhtar Miyan @ Mokhtar Faruki Resident of Ward
No. 35, Mohalla- Barah Patthar, P.S- Dehri(T) Dist- Rohtas at Sasaram
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60984 of 2022)

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Sanjay Kumar

(In CRIMINAL MISCELLANEOUS No. 61224 of 2022)

For the Petitioner/s : Mr. Ashwani Kumar Tiwary

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Dehri

Town P.S. Case No. 757 of 2021, registered for the offences

punishable under Sections 30 (a) of the Bihar Excise and



Prohibition Amendment Act, 2018.

The prosecution story as emerges form the FIR is that total 1470 liter country-made liquor was recovered from a vehicle.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner are named on the basis of disclosure of the co-accused. He further submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. PC

The petitioner, namely, Harendra Singh @ Harendra Mehta has been languishing in jail since 20.02.2022 and the petitioner, namely, Makka Alam has been languishing in jain since 12.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner have not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that



the petitioner,namely, Harendra Singh @ Harendra Mehta has three more criminal antecidents and the petitioner, namely, Makka Alam has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, I/c Rohtas at Sasaram, in connection with Dehri Town P.S. Case No. 757 of 2021 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.



(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

Learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of



office objections.

(Jitendra Kumar, J)

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