

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28735 of 2023

Arising Out of PS. Case No.-173 Year-2021 Thana- GANGABRIDGE District- Vaishali

Banta @ Minta @ Minto @ Mintu, Son of Baaru Ra @ Baru Ram, Resident of Village Mitatal Chauki Gujraani, P.S. Sadar Bhivani, District- Bhivani Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Ganga Bridge P.S. Case No. 173 of 2021 dated 12.08.2021 registered for the offences punishable under Sections 30 (a), 36, and 41(i) of Bihar Prohibition and Excise Act and Sections 414, 467, 468, 471, 420, 120(B)/34 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 1710.720 litres of foreign liquor made from a truck and petitioner was not apprehended at the spot of recovery from the said vehicle and as per prosecution's story two co-accused persons namely, Amit Jha and Vishal Jangra were arrested from the said vehicle as driver and co-driver and they disclosed the name of this petitioner as well as other co-accused persons and



altogether 13 persons have been made accused in this case, out of them two co-accused persons namely, Rakesh Ranjan and Rishi Mahalana @ Rishi have been granted bail by different benches of this court vide orders passed in Cr. Misc. No. 55030 of 2022 and Cr. Misc. No. 2907 of 2023 respectively and against the petitioner there are criminal antecedents of three cases in which he was remanded after arrest in the present case and the owner of the alleged truck has also been made accused in this case. Further submissions are that all the incriminating materials in addition to the liquor which are stated to have been recovered from the alleged truck do not connect this petitioner to the alleged crime and neither the alleged liquor nor the alleged vehicle belongs to this petitioner and he has been languishing in jail since 31.03.2023.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot from the alleged vehicle and his name came into light in the statements of the arrested co-accused persons who have been shown as driver and co-driver of the alleged vehicle and petitioner has taken the plea that he is not owner of the alleged vehicle and two co-



accused persons mentioned above are on bail, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Ganga Bridge P.S. Case No. 173 of 2021 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, **further on these conditions that :**

- (i) Petitioner will be released after framing of charge.
- (ii) The trial court is directed to frame the charge, if the same has not been framed, upon the petitioner as early as possible as per procedure of law.
- (iii) Both the bailors of the petitioner will be the local residents within the jurisdiction of the trial court, having sufficient immovable property to the satisfaction of the trial court.
- (iv) The trial court will verify the criminal antecedent of the petitioner from the Director General of Police, Haryana through Superintendent of Police, Vaishali. If any criminal antecedent other than the cases mentioned in para no. 3 of this petition is found then the trial court will take serious action against him by cancelling his bail bond and will also take serious action against the bailors as per the procedure of law.

(Shailendra Singh, J)

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