

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19214 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- BAHERI District- Darbhanga

Harendra Singh, son of Sunil Kumar Village -Bawad Sakatpura, Tehsil
Mundawar Bawad, P.S. -ShahJahanpur, Dist-. Alwar, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 120(B), 420, 467, 468 and 471 of the I.P.C. and
Sections 30(a), 32 and 41 of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 5999.52 litres of liquor from three
vehicles as detailed in the F.I.R.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and is not the owner



or driver of any of the seized vehicles and he came to be implicated based on fact that a co-accused, who was apprehended, was carrying mobile no.7023497949, which belonged to the petitioner. It is thus submitted that it absolutely does not stand to reason that if someone was carrying the mobile of the petitioner, then how come petitioner is construed to have been involved in the occurrence. It is also submitted that had the petitioner been knowing that the co-accused is involved in such kind of occurrence, then definitely he would not have given his mobile to the apprehended accused from whose possession the mobile of the petitioner was recovered, when admittedly petitioner is a person with clean antecedent.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1st,



Darbhanga in connection with Baheri P. S. Case No.50 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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