

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82047 of 2024

Arising Out of PS. Case No.-952 Year-2024 Thana- Excise P.S. District- Aurangabad

Vinod Kumar Mehta @ Binod Kumar Mehta son of Lalan Mehta Resident of
Village- Khusihampur, P.S- Kutumba, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Adv.

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024 Heard Mr. Ashok Singh, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner is in custody in connection with
Excise P.S. Case No. 952 of 2024 for the offence punishable under
Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act,
2018 lodged on 22.09.2024 by the informant, Rehmat Jaman.

3. As per the prosecution story, the informant alleged
that during patrolling, upon secret information, a Magic Van was
intercepted and there is recovery/seizure of 159.300 litres of
foreign liquor. The petitioner was driving the vehicle.
Subsequently, a motorcycle was also intercepted and there is
recovery/seizure of 1.260 litres of foreign liquor, totalling 160.560
litres of foreign liquor. This led to the FIR/ arrest of the petitioner.

4. Learned counsel for the petitioner submits that he
does not own the vehicle, is the driver and had no knowledge

that the materials that have been loaded contains liquor. He has remained in custody since 23.09.2024 (paragraph no.-4 of the petition) and the last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs.10,000/- to the District Legal Services Authority, Aurangabad for the purchase of Steel Benches for the Civil Court Campus of Aurangabad Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Considering the submissions put forward by the parties as also the fact that he is in custody since 23.09.2024, is a driver and does not own the vehicle, in that background this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid to the District Legal Services Authority, Aurangabad for the purchase of Steel Benches by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise-II, Aurangabad in connection with Excise P.S. Case No.

952 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J.)

Jyoti Kumari/-

U		T	
---	--	---	--