

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5141 of 2025

Arising Out of PS. Case No.-662 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Harsh Gupta S/o Dujendra Prakash Gupta R/o House no. C-25, Molarband
EXTN Gali-10C, Molar Band, South Delhi, Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhash, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-01-2025 1. Heard Mr. Abhash, learned counsel for the

petitioner and Mr. Lakshmi Kant Sharma, learned APP for the

State.

2. The petitioner seeks regular bail in connection
with Mohania P.S. Case No. 662 of 2022 dated 10.12.2022
registered for the offence(s) punishable under Sections 30(a),
41(i), 47 of the Bihar Prohibition and Excise (Amendment) Act
and Sections 414, 420, 467 of Indian Penal Code.

3. The main submissions advanced by the petitioner's
counsel are that admittedly the petitioner was not apprehended
with the alleged liquor which is said to have been recovered
from a truck and as per the prosecution story, two co-accused
persons Devendra Kumar and Sanjeev Kumar were
apprehended with the alleged truck in the capacity of being



driver and co-driver (cleaner) respectively who revealed the name of this petitioner as being involved in the smuggling and transporting of the alleged large quantity of seized liquor and merely on that basis the petitioner has been made accused but in fact, the petitioner had no connection to the seized truck, its registration number is not in his name and the mobile number which is mentioned in the FIR does not belong to this petitioner. It is further submitted that petitioner has been languishing in jail since 22.10.2024 and against him the investigation has been completed and two apprehended co-accused have been granted regular bail by this bench vide order dated 28.04.2023 passed in Cr. Misc. No. 5136 of 2023. It is further submitted that though against this petitioner there are criminal antecedents of five cases but he is on bail in all the said cases.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by petitioner's counsel and mainly the completion of investigation against this petitioner, this court is inclined to grant the relief of regular bail to this petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Mohania P.S. Case No. 662 of 2022 on furnishing bail bond of Rs.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:

- (i) One of the bailor shall be close relative of the petitioner and second bailor must be a local resident of the jurisdiction of the trial court having fair antecedent.
- (ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(Shailendra Singh, J)

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