

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70173 of 2019**

Arising Out of PS. Case No.-69 Year-2019 Thana- KARJAIN District- Supaul

BIRBAL MEHTA @ BIRWAL KUMAR Son of Suresh Mehta Resident of
Village - Bauraha, P.S.- Karjasin, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmeshwar Mehta
For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

3 09-12-2019 This application, for grant of anticipatory bail, arises out of Karjain P.S. Case No. 69 of 2019, disclosing offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 35 litres of liquor from a motorcycle and one person succeeded in fleeing away and the villagers disclosed the name of petitioner as the person, who succeeded in fleeing away.

Submission of learned counsel for the petitioner is that he has falsely been implicated in this case and there is no mentioning in the F.I.R. as to who disclosed the name of petitioner and further the motorcycle from which, the alleged recovery was made, does not belong to the petitioner and petitioner has never been accused in such type of case.

Learned counsel for the State opposed the prayer for



anticipatory bail, however, in spite of perusal of case diary, he could not point out about any independent witness, who named the petitioner.

Having heard both sides, considering the facts and circumstances, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Supaul, in connection with Karjain P.S. Case No. 69 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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