

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28515 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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JAI PRAKASH MEHTA Son of Surya Dayal Mehta Resident of Village-
Dhawakal Bigha, P.S.- Aurangabad (M), District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Leelawati Kumari
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioner and the

State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

At the outset, learned counsel for the petitioner seeks
permission to correct the case No. mentioned in the prayer
portion as “Excise Case No. 67 of 2021” in place of “Excise
Case No. 47 of 2021”.”.

Accordingly, the same is treated to be corrected as
Excise Case No. 67 of 2021” in place of “Excise Case No. 47 of
2021”.

The petitioner is apprehending his arrest in a case



registered under Sections-30(a)(c)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case, in short, is that 70 liters spirit is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 70 liters spirit is recovered from joint house of the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Aurangabad in connection with Excise Case No. 67 of 2021, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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