

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32465 of 2021**

Arising Out of PS. Case No.-458 Year-2018 Thana- MAJORGANJ District- Sitamarhi

RAJIV MEHTA @ RAJIV MEHTHA Son of Chhotelal Mehta Resident of
Village- Parri, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Adv.
For the Opposite Party/s : Dr.Mrityunjaya Kr. Gautam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 29-11-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Majorganj P.S. Case No. 458 of 2018 registered for the

offence under Sections 272 and 273 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 900 liters of nepali wine.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. In fact,



mere on confession of the co-accused, namely, Raju Singh, this petitioner has been made accused in this case. Save and except the confession of the co-accused, no cogent material has come against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Neither the petitioner happens to be driver of the alleged vehicle nor he happens to be the owner of the vehicle in question. The petitioner is rotting in judicial custody since 06.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II -cum-Special Judge (Excise), Sitamarhi in connection with Majorganj P.S. Case No. 458 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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