

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16694 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- NARPATGANJ District- Araria

SIYARAM MEHTA @ SHIYARAM MEHTA Son of Sukhram Mehta
Resident of Village - Mazuwa Ward no.1, P.S.- Kisanpur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Narpatganj (Ghurna) P.S. Case No. 83 of 2022 registered for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition Excise
(Amendment) Act, 2018.

As per prosecution case, 828 liters of Nepali liquor
was recovered from the vehicle in question and present
petitioner namely Siyaram Mehta and co-accused namely Raja
Kumar was inside the vehicle.

Learned counsel for the petitioner submits that



petitioner is in custody since 22.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has no concern either with the recovered illicit liquor or with the vehicle. The petitioner is daily wages labour and while returning to India he took lift from the driver of the vehicle in question. Nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge 1st, Araria in connection with Narpatganj (Ghurna) P.S. Case No. 83 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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