

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27782 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- PATAHI District- East Champaran

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1. Rajesh Mehta, Male aged about 35 years, Son of Bachchalal Mehta, Resident of Village- Baila Baiju, P.S.- Patahi, District- East Champaran at Motihari.
 2. Bachchalal Mehta, Male aged about 65 years, Son of Late Bhikhari Mehta, Resident of Village- Baila Baiju, P.S.- Patahi, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

4 09-02-2022 Heard the parties through video conferencing.

Let the defect(s), if any, be removed within four weeks of starting of the court proceeding in physical mode properly.

Learned counsel for the petitioners submit that petitioner no. 2 namely Bachchalal Mehta, has been arrested and as such this application with regard to petitioner no. 2 has become infructuous and he seeks permission to withdraw this application.

Permission is granted.

This application is dismissed as become infructuous

as against petitioner no. 2 namely, Bachchalal Mehta and is restricted to petitioner no. 1, namely Rajesh Mehta.

The petitioner no. 1 seeks bail in anticipation of his arrest in connection with Patahi P.S. Case No. 17 of 2021 instituted for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner no. 1 is the son of petitioner no. 2 and has falsely been implicated in this case under Excise Act. The seizure is doubtful and on account of election there is likelihood of being planted in the house of the petitioner.

Taking into consideration the allegation, I am inclined to allow the petitioner no. 1 on bail, in the event of arrest he shall be released on anticipatory bail, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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