

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19163 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- FULKAHA District- Araria

Birwal Kumar Mehta, Son of Suresh Mehta, Resident of Village - Bauraha @
Borah, Ward No.- 4, P.S.- Karjain Bazar, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmeshwar Mehta, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Falkaha P.S. Case No. 18 of 2022 registered for the alleged offences under Sections 30 (a) and 41 (i) of Bihar Prohibition and Excise Act, 2016.

Allegedly, total 459 liters of Nepali country made liquor was recovered from a vehicle and while the petitioner and the co-accused trying to flee away from the vehicle, the petitioner has been apprehended.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He is neither the owner of the said vehicle nor the driver. The petitioner was apprehended only due to suspicion. Moreover, no incriminating articles has been recovered from his possession. The charge sheet has been submitted in this case and the petitioner is in custody since 21.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 21.02.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria, in connection with Fulkaha P.S. Case No. 18 of 2022, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a



close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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