

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36526 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- BHAPTIAHI District- Supaul

Sanjay Kumar Mehta @ Sanjay Mehta Son of Sobha Mehta R/O Village-
Gadhiya Ward No.08, P.S.- Bhaptiyahi, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 20-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhaptiyahi P.S. Case No. 146 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.05.2022.



The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 34.8 litres of IMFL/country made liquor from the house of the co-accused.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the house of co-accused Upendra Kumar and on the basis of his disclosure, the name of the petitioner was surfaced. It is also submitted that admittedly, no illicit liquor was recovered from the possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of illicit liquor was not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhaptiyahi P.S. Case No. 146 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise Court No.-1, Supaul/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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