

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37285 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- BHAPTIAHI District- Supaul

Sanjay Kumar Mehta @ Sanjay Mehta, Son of Shobha Mehta @ Subhash Mehta, Resident of Village- Gadhiya, Ward No. 08, P.S.- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arvind Kumar, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Bhaptiyahi P.S. Case No. 113 of 2021 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that 134.7 litres of Dilwale Nepali Desi liquor was recovered. However, on noticing the police party, the persons, who were carrying the



liquor succeeded in fleeing away.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious and constructive possession. He next submits that save and except the disclosure made by Chaukidar and local people, there is no other material suggesting the complicity of the petitioner. He next submits that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. He also submits that after completion of the investigation, charge sheet has been submitted. It is lastly submitted that the petitioner is in custody since 26.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, save and except the disclosure made by the Chaukidar and local people, there is no material, apart from the fact that the petitioner is on bail in all the other cases, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand)



with two sureties of the like amount each to the satisfaction of Special Judge, Excise Court No. 1, Supaul in connection with Bhaptiyahi P.S. Case No. 113 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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