

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37000 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- BHAPTIAHI District- Supaul

Sanjay Kumar Mehta @ Sanjay Mehta, Son of Sobha 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 ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office be removed within 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 Bhaptiyahi P.S. Case No. 33 of 2022 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

Allegedly, total 1458 literes of Nepali country made liquor was recovered from the field adjacent to the house of the petitioner, who fled away after seeing the police party.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner was not involved in the trade of illicit liquor and he has got no concern with the seized liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 07.04.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in four such cases as well.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Special Judge, Excise Court No.1, Supaul, in connection with Bhaptiyahi P.S. Case No. 33 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors 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 on 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

