

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41985 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- NAVINAGAR District- Aurangabad

GANGA MEHTA @ GANGA MAHTO S/o Lakhan Mahto R/o village-
Takiya, P.S.- Husainabad, District- Daltenganj (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pramendra Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Nabinagar P. S. Case No. 68 of 2021 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, in course of patrolling duty, intercepted two persons coming on a motorcycle, however, on noticing the police party



both of them fled away. On search, altogether 30 litres country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered for his person or possession, however, the police in course of patrolling, having found the motorcycle parked near the road, seized the same and implicated the name of the petitioner in this case showing the recovery, though, the petitioner has neither any concern with the illicit liquor nor he had any criminal antecedent in connection with such kind of crime earlier. It is also submitted that the petitioner is in custody since 30.05.2022 and after completion of the investigation, charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner is neither named in the F.I.R., nor he was apprehended at the spot and now after completion of the investigation, charge-sheet has been submitted, though, there is no compliance of Section 100 of the Cr. P. C., let the petitioner, above named, 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 learned Special Judge, Excise-I, Aurangabad in connection with Nabinagar P. S. Case No. 68 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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