

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34131 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- FULKAHA District- Araria

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Avinash Kumar Mehta Son Of Hari Narayan Arya Village Belahi Ward No.3,
P.S Pratapganj, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-05-2023 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 on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Fulkaha P.S Case No.
137/2021 dated 18.08.2021 registered for the offence punishable
under Sections 30(a) and 41(1) of Bihar Prohibition and Excise
Act and Sections 25(1-B)a, 26 and 35 of Arms Act.

As per the prosecution case, total 210 liters of Nepali
umanga liquor was seized from the vehicle, one revolver and a
country made pistol were also recovered from the vehicle.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. The name of the petitioner was transpired from the



confessional statement of co-accused person. The petitioner was not present in the vehicle. The petitioner has no relation with the vehicle and wine . The other co-accused person has been granted bail by the Co-ordinate bench of this court vide order dated 01.04.2022 passed in Criminal Miscellaneous No. 65626 of 2021. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 23.02.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Fulkaha P.S Case No. 137/202.

The application stands allowed.

(Chandra Prakash Singh, J)

Atul/-

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