

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40849 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- BARUN District- Aurangabad

SOHAN MEHATA @ SOHAN MEHTA Son of Ramashish Mehata Resident
of village-Mungi-yathi Bigha, P.S.-Barun, District-Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
21.05.2023 in connection with Barun P.S. Case No. 219 of 2023,
F.I.R. dated 19.05.2023 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Recovery is of total 171.360 liters of country made
wine from the road side.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession or the house of the
petitioner rather the recovery has been made from the road side.



He further submits that the name of the petitioner has been transpired on the basis of disclosure made by the local Chaukidar and except the disclosure made by the local Chaukidar, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of disclosure made by the local Chaukidar, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-1st, Aurangabad, Bihar in connection with Barun P.S. Case No. 219 of 2023, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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