

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42520 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- BAHADURPUR District- Darbhanga

Raja Mehta @ Raja Mahtha, Son Of Ganesh Mehta Resident Of Mohalla-
Bakarganj, Ps- Laherisarai, District- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a), 32(i), (ii), 30(b), 41 and 62 of the Excise Act, 2016.

The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the allegation is of recovery of 643.98 litres of liquor from the house of Ranjan Kumar Yadav and one motorcycle was also seized.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Amarjeet and Dhiraj in police custody, which does not have any evidentiary value. It is next submitted that petitioner is not the owner of the house even.



Learned A.P.P. opposes the bail application and submits that petitioner has not stated that as to whether seized motorcycle belongs to him or not.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-1, Excise Act, Darbhanga in connection with Bahadurpur P. S. Case No.177 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify whether the motorcycle belongs to the petitioner or not and in the event, if it is found that the motorcycle belongs to the petitioner, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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