

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58205 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- BHAPTIAHI District- Supaul

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OM MEHTA @ OM NARAYAN MEHTA @ OM PRAKASH MEHTA S/O
LATE TEJ NARAYAN MEHTA R/O VILLAGE- PURANI BHAPTIYAH, I,
WARD NO. 4, P.S- BHAPTIYAH, DISTT.- SUPUAL.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 13-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 24.06.2023 seeks bail, in connection with S.T. Excise Case No. 470/2022, arising out of Bhaptiyahi P.S. Case No. 78/2022, dated 10.07.2022, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.
3. According to prosecution case, total 1188 litres of nepali country made liquor has been recovered from the possession of the petitioner.
4. Learned counsel for the petitioner submits that earlier the petitioner has been granted anticipatory bail on 25.01.2023 in Cr. Misc. No. 575/2023 but the petitioner has not



complied the terms and conditions as stipulated in the order dated 25.01.2023. Thereafter the petitioner has filed a modification petition bearing Cr. Misc. No. 23721/2023, which was dismissed vide order dated 12.04.2023. He further submits that the petitioner has falsely been implicated in the present case and it appears from the F.I.R. as well as seizure list that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the bank of Koshi river and the name of the petitioner has been transpired during investigation on the disclosure made by Abhimanyu Kumar @ Tuntun Yadav. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and co-accused, namely, Abhimanyu Kumar @ Tuntun Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 23.12.2022 passed in Cr. Misc. No.58813/2022, other co-accused namely, Kishundeo Mehta has been granted anticipatory bail vide order dated 02.12.2022 passed in Cr. Misc. No. 65312/2022 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 24.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of



the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Judge, Excise, Court No.01, Supaul in connection with S.T. Excise Case No. 470/2022, arising out of Bhaptiyahi P.S. Case No. 78/2022, 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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