

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71031 of 2023

Arising Out of PS. Case No.-632 Year-2023 Thana- Excise P.S. District- Araria

**BALRAM KUMAR MEHTA SON OF RAM PRASAD MEHTA R/O
VILLAGE- CHAINPUR, WARD NO.2, P.S.- BHIMPUR, DISTRICT-
SUPAUL**

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

2. The petitioner seeks regular bail in connection with
Araria Excise Circle P.S. Case No. 632 of 2023 registered on
10.08.2023 lodged under Sections 30(a) of the Bihar Prohibition
and Excise Act (Amendment), 2018.

3. As per the prosecution case, F.I.R. has been lodged
against three named accused persons including the petitioner.
Recovery of total 261 litre of wine is the subject matter of the
present case.

4. Counsel for the petitioner submits that petitioner
was alleged to be apprehended when they tried to flee away
from the vehicle from which recovery has been made.



5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that the said recovery has been made in gross violation of Section 100 of the Cr.P.C. He further submits that petitioner is in custody since 10.08.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail but submits that antecedent of the petitioner is clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Araria in connection with Araria Excise Circle P.S. Case No. 632 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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