

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.575 of 2023

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

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OM MEHTA @ OM NARAYAN MEHTA S/o Tej Narayan Mehta R/o
Village- Purani Bhaptiyahi, Ward no. 4, P.S.- Bhaptiyahi, Ward no. 4, P.S.-
Bhaptiyahi, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mrs. Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-01-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act, 2018.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 1188
liters of Nepali liquor is said to have been recovered near the
bank of river. After seeing the police force, the petitioner
managed to escape from the spot. Petitioner has no concern
either with the seized liquor or the place of recovery or any
trade of liquor. The allegation levelled against the petitioner is



not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Bhaptiyahi P.S. Case No. 78 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the PM Cares fund.

(Anjani Kumar Sharan, J)

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