

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81102 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

RAHUL KUMAR MEHTA SON OF LATE GANESH KUMAR MEHTA
R/O VILLAGE- CHHOTI KADARGANJ, WARD NO. 8, P.S.- SARSI,
DIST.- PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr.Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 198 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 183.960 litre foreign liquor was recovered from the pick-up van in question and F.I.R. was registered against owner and driver of the said pick-up van.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. and his name has been transpired in this case during course of investigation merely on



suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that father of the petitioner is the owner of the said pick-up van in question. Petitioner is not apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 03.01.2023 and bears criminal antecedent of one case. Learned counsel orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District and Sessions Judge Exclusive Special Excise Court No. 2, Katihar in connection with Muffasil P.S. Case No. 198 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

