

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8912 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- BHAPTIAHI District- Supaul

Sanjay Mehta S/O Sobha Mehta @ Subhash Mehta Village- Garhiya, Ps.
Bhaptiyahi, Dist. Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 1036 of 2023, arising out of Bhaptiyahi P.S. Case No. 144 of 2023, instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that one accused namely Sanjay Kumar Sharma was apprehended on the spot and total 1188 litres of illicit liquor was recovered from *Xylo* car.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The name of the petitioner has been transpired in this case on the



basis of confessional statement of the co-accused who was apprehended on the spot. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery of liquor. Learned counsel further submitted that petitioner has no concern with the vehicle from which the alleged recovery has been made. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.12.2023 and has six criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhaptiyahi P.S. Case No. 144 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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