

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28206 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- BHAPTIAHI District- Supaul

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Ajay Mehta @ Ajay kumar Mehta SON OF SOBHA MEHTA @ SUBHASH
MEHTA RESIDENT OF VILLAGE- GADHIYA WARD NO. 08, PS-
BHAPTIAHI, DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 16-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases and allegation is of
recovery of 328.05 liters of liquor from a place near the seized
car.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious



possession and he came to be implicated at the instance of local person but then the name of the local villager who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution. It is also submitted that if the local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution. It is also submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner, taking advantage of his antecedents.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ, IV, Supaul in connection with Bhaptiahi P.S. Case No.28 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than three case, then also the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

Prakash Narayan

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