

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47491 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- BHIMPUR District- Supaul

ANIL KUMAR MEHTA @ ANIL MEHTA SON OF LAXMI MEHTA
VILLAGE- THUTHI, P.S.- BHIMPUR, DISTT.- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
Excise Case No. 1218 of 2023 arising out of Bhimpur P.S. Case
No. 97 of 2023 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per prosecution case, there is alleged
recovery of 486 liters of illicit liquor from Tata Sumo and the
apprehended accused Pawan Kumar disclosed that the present
petitioner provided the vehicle and had asked him to bring the
illicit liquor at Pratapganj.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence as

alleged in the first information report. He has been falsely implicated in this case. The vehicle in question does not belong to this petitioner and he is not in any way connected with the alleged occurrence. Except the disclosure of the co-accused, there is nothing on the record to connect this petitioner with the alleged occurrence. Petitioner was not apprehended on the spot. The accused Kundan Kumar and Pawan Kumar Das, who were apprehended on the spot, have been granted bail by this Court vide order dated 01.02.2024 passed in Cr. Misc. No. 4183 of 2024 and the case of the present petitioner stands on better footing as he was not apprehended on the spot. Petitioner is in custody since 02.05.2024.

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

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and co-accused persons have been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise Court No. 1/In charge Successor Court, Supaul in connection with S.T. Excise Case

No. 1218 of 2023 arising out of Bhimpur P.S. Case No. 97 of 2023, 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 tamper 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)

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