

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68557 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- NAVINAGAR District- Aurangabad

BABLU KUMAR MEHTA S/O SURENDRA MEHTA R/O VILLAGE-
SAJWAN, P.S- HAIDARNAGAR, DISTT.- PALAMU(JHARKHAND).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2.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.

3. Altogether 94.04 litres of country made liquor has
been recovered from the seized motorcycles. Petitioner is said
to have fled away from the spot.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. No incriminating article has been recovered from the
conscious physical possession of the petitioner. He 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. He was not apprehended on the spot. He had not consumed liquor. He has been made accused in the present case merely because 34.560 litres of country made liquor was recovered from Splendor motorcycle bearing Reg. No. BR 01AV 2639 which belongs to the petitioner. The real fact is that the wife of the petitioner gave the key of the alleged motorcycle to her co-villager for going to market for purchasing the medicine. There is no specific overt act against the petitioner. He has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. 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 Navinagar P.S. Case No. 295 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. 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 Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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