

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33636 of 2025

Arising Out of PS. Case No.-416 Year-2024 Thana- BIRPUR District- Supaul

Mukesh Mehta @ Mukesh Kumar Mehta S/O Saryug Mehta Resident of
Village- Koshikapur Ward No. 03, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial Excise No. 4874 of 2024 arising out of Birpur P.S. Case No. 416 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on 18.12.2024 the informant got a secret information that a wine mafia, namely, Mithu Paswan @ Mithilesh Paswan, in connivance with the other co-accused persons including the petitioner, were carrying a huge quantity of wine. For verification of the said information, the informant reached there and on being searched, total 585 litres of illicit *Nepali softi wine* was recovered from the field of



the co-accused Raghu Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is next submitted that the petitioner has no concern with the alleged recovery and no incriminating article has been recovered from his conscious physical possession. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 20.04.2025. Learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of learned counsel as well as undertaking given by the petitioner and taking into account the fact that no incriminating article has been recovered from the conscious physical possession of the petitioner and also considering the period of custody, let the petitioner above-named, be enlarged on bail, on depositing a sum of Rs. 5,000/- (Five Thousand) before the Patna High Court Legal Services Committee and a receipt of the same shall be furnished before the learned Court below at the time of furnishing bail bond. Thereafter, he shall furnish bail-bond of



Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul, in connection with Sessions Trial Excise No. 4874 of 2024 arising out of Birpur P.S. Case No. 416 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the application stands allowed.

(Sourendra Pandey, J)

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