

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62797 of 2018

Arising Out of PS. Case No.-325 Year-2018 Thana- RUPASPUR District- Patna

Harsh Kumar Ojha @ Harsh Kumar, S/o- Late Shashi Kant Ojha, R/v- Karja,
P.S.- Bihiya, District- Bhojpur, at present Jagmano Palace, Flat No.- 403,
Vijay Nagar, P.S.- Rupashpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 12-12-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in **Special Case No.6949 of 2018**
arising out of Rupaspur P.S. Case No.325 of 2018 instituted
for the offence under Section(s) 30(a), 37 (b)(c), 38(11), 41(1)
of Bihar Prohibition and Excise Act, 2016.

Counsel for the petitioner submits that bail application
filed on behalf of the petitioner was earlier dismissed as
withdrawn on the prayer of counsel for the petitioner by order
dated 28.09.2018 passed in Cr. Misc. No.60228 of 2018.
Counsel for the petitioner further submits that he is in custody
since 27.07.2018.

In the written report, it is alleged that police arrested



this petitioner along with one Shashank Raj. It is alleged that he was found to have taken wine and he disclosed name of three persons to whom he had supplied wine, namely, Kamalkant Jha, Ramashankar Sharma and Happy Singh. It is mentioned in the written report that illicit liquor was recovered from their possession as mentioned, in detail, in seizure list. The petitioner was checked with breath analyzer, which confirmed that he had taken wine.

As such, from written report itself, it appears that there is no recovery of any illicit liquor from possession of this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the **Special Judge, Excise, Patna**, in connection with **Special Case No.6949 of 2018 arising out of Rupaspur P.S. Case No.325 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

It appears from para 3 of the bail petition that two cases are pending against the petitioner under Excise Act. In view of such, petitioner will file an Affidavit at the time of



furnishing bail bond that he will not indulge in such activities in future, otherwise, his bail bond in the instant case will be liable to be cancelled.

(Sanjay Priya, J)

J. Alam/-

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