

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15870 of 2019

Arising Out of P.S. Case No.-346 Year-2018 Thana- BAHADURPUR District- Darbhanga

RAVI JHA @ RAVI KUMAR JHA, aged about 24 years, Gender-Male, Son of Late Nilambar Jha, Resident of Village - Kherajpur ward no - 12, P.S.- Bahadurpur, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bauye Jee Jha (B.J. Jha), Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 14.01.2019 in connection with G.O.Case No.677 of 2018 arising out of Bahadurpur P.S.Case No.346 of 2018 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police personnel is that during course of vehicle checking they received information that co-accused along with the petitioner has unloaded huge quantity of illicit liquor near Tailiya Bandh from their Scorpio vehicle. On reaching the place of occurrence, vehicle was not found but in the Jungle hidden in the bushes



153.47 litres of illicit foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that he has been sufficiently punished and is languishing in judicial custody since nearly two months. He further submits that similarly situated co-accused has already been granted the privilege of bail by this Court in Cr.Misc.No.75799 of 2018 dated 18.01.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case for similar offence is pending against him in which he is on bail.

Considering the nature of allegations and the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with G.O.Case No.677 of 2018 arising out of Bahadurpur P.S.Case No.346 of 2018 to the satisfaction of learned Additional Sessions Judge-Vth-cum-Special Judge, Excise, Darbhanga, subject to the following conditions:-

(i) One of the bailors would be a close relative of the



petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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