

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27483 of 2019

Arising Out of PS. Case No.-174 Year-2018 Thana- JHANJHARPUR District- Madhubani

ANIL JHA @ ANIL KUMAR JHA Son of Harischandra Jha Resident of
Village - Mehath, P.S.- Bhairav Asthan, Distt.- Madhubani... .. Petitioner/s
Versus

The State of Bihar..... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 30-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Jhanjharpur P.S. Case No. 174 of 2018, registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

1055.790 liters of foreign liquor is said to have been recovered from premises of the Bhawani construction and three persons namely Radhey Shyam Mishra, Gopal Thakur and Arun Jha were apprehended by the police and they disclosed the name of the petitioner and two other accused persons as supplier of the said liquor.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has been falsely implicated in this case. He has no concern either with the



seized liquor or place of recovery or any trade of liquor. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused persons which has no evidentiary value in the eyes of law, hence no offence under Excise Act is made out against the petitioner. He has no criminal antecedent

On the other hand, learned A.P.P. for the State opposed the prayer for bail.

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 four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-Cum-Special Judge Excise, Act, Madhubani in connection with Jhanjharpur P.S. Case No. 174 of 2018 (G.R. No. 1986/2018) subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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