

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52595 of 2019

Arising Out of PS. Case No.-147 Year-2019 Thana- RAJNAGAR District- Madhubani

SUNIL JHA S/o Krishnadev Jha R/o village- Shivipatti, P.S.- Rajnagar,
District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar
		Mr.Ratanakar Jha
For the Opposite Party/s :		Ms.Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Rajnagar Police Station Case No. 147 of 2019, disclosing offence under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, on information by the villagers that the petitioner was carrying a bag containing illicit liquor and was going towards the village and when the villagers tried to catch the petitioner, the petitioner left the bag and fled away, reached the place of occurrence and seized the



bag in question and recovered 14.400 litres of illicit liquor from the said bag.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case with oblique motive. He further submits that no illicit liquor has been recovered from the conscious possession or from the premises belonging to the petitioner and, admittedly, the illicit liquor has been recovered from a bag kept near the road. He next submits that the name of the petitioner has been dragged in this case on the basis of hear-say evidence of the villagers.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or from the premises belonging to the petitioner and further the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Sunil Jha, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Madhubani, in connection with Rajnagar Police Station Case No. 147 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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