

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74922 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- KARJA District- Muzaffarpur

SUSHIL KUMAR OJHA Son of Jagarnath Ojha Resident of Village - Jhatia,
P.S.- Kudhani, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-12-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a)/38 of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 99 litres of illicit foreign liquor from the BOLERO vehicle of the petitioner and 3393.360 litre from truck from which illicit liquor was unloaded.

It has been submitted on behalf of the petitioner that petitioner has got no criminal antecedent and the BOLERO vehicle is owned and run by the petitioner for commercial purpose and petitioner was only transporting the goods and was unaware that illicit liquor was kept in the vehicle. Petitioner is in custody since 12.09.2019.

Considering the fact that 99 litres of illicit foreign



liquor was recovered from the possession of the petitioner, I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that petitioner be released on bail **after completing six months of jail custody** upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Karja P.S. Case No. 248 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4). If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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