

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28344 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- BALRAMPUR District- Katihar

RAKESH KUMAR JHA Son of Amrendra Jha Resident of Village- Jotaili,
P.S.- Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-11-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Balrampur (Telta) P.S.
Case No. 34 of 2020, registered for the offence punishable
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

459 litres of English wine is said to have been
recovered from a Tata Magic van. This petitioner is alleged to be
the driver of said van who was apprehended on the spot.

It is submitted that petitioner has falsely been
implicated in this case. Nothing has been recovered from
conscious possession of this petitioner. Petitioner being driver of



the said van, was not aware of the consignment of liquor. Charge sheet has already been submitted. Petitioner is in custody since 07.03.2020 having clean antecedent as stated in para 3 of the bail petition.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (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), Katihar in connection with Balrampur (Telta) P.S. Case No. 34 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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