

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4266 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- JOKIHAT District- Araria

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Alok Kumar Jha S/o Dharmanand Jha R/o Village- Lokhra Ward No. 1, P.S.-
Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr. Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 18-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Jokihat P.S. Case No. 222 of 2020, corresponding to Special Case No. 543 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 34.500 liters of Nepali Saufi wine was recovered from a tempo, which was being driven by this petitioner and was apprehended on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. Petitioner is simply a tempo driver and the illicit liquor was kept by some passenger of the tempo, who after seeing the police party fled away and petitioner had no knowledge about the alleged liquor. Petitioner has got clean antecedent and he is in custody since 04.07.2020.



Considering the nature of allegation and the fact that nothing has been recovered from conscious possession of petitioner coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner 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, Araria in connection with Jokihat P.S. Case No. 222 of 2020, corresponding to Special Case No. 543 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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