

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4426 of 2021

Arising Out of PS. Case No.-60 Year-2019 Thana- BAHERI District- Darbhanga

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ASHISH JHA @ KINSHU JHA @ ASHISH KUMAR JHA Son of Resident
of Village - Kavilpur, Laheriasarai, P.S. - Bahadurpur, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bauye Jee Jha (B.J. Jha)

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Baheri P.S. Case No. 60 of 2019 for the offence registered
under Sections 467, 468 and 420 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police is stated to have apprehended the accused
persons from the spot and the raiding party is stated to have
raided the house of the accused person Sanjay Rai and from the
Maruti vehicle standing there, 25.92 litres of illicit liquor was
seized apart from some quantity of illicit liquor being seized
from another Scorpio vehicle standing there. As far as the
petitioner is concerned, his mobile number was found in the
mobile of the co-accused person namely Amarjeet.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case. It is further submitted that though the petitioner is an accused in five other criminal cases but he is on bail in all the said five cases.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that neither the vehicles in question belong to the petitioner nor the illicit liquor has been recovered from the petitioner or his house and he has been implicated merely on the basis of his name being found in the mobile of the co-accused person arrested from the spot, this Court finds that no prima facie case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act, 2016'), as far as consideration of the present bail petition is concerned, hence the bar under section 76(2) of the Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein.

Accordingly, the petitioner, above named, is directed



to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, 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 Act), Darbhanga in connection with Baheri P.S. Case No. 60 of 2019 (G.O. Case No. 358 of 2019) subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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