

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6558 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- RAHIKA District- Madhubani

Varun Kumar Jha, S/o Raje Jha @ Rajeshwar Jha, Resident of Village- Kotha Tol, P.S.- Rahika, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rahika P.S. Case No. 153 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition Act and Excise Act.

The prosecution case is that on receipt of secret information that illicit liquor was being smuggled from Nepal, the Police intercepted two Scorpio vehicles and three persons escaped from these two vehicles. Petitioner is said to be one of



the persons, who fled away and from these two vehicles, 630 litres and 585 litres respectively, of illicit liquor were recovered.

The learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of this petitioner, who was not apprehended from the spot. Prosecution story is not believable that the petitioner and other co-accused persons were identified in the light of the vehicle and only on the basis of suspicion, the petitioner has been made accused in this case. Charge-sheet has been submitted and the petitioner is in custody since 22.12.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail for the petitioner submitting that in the vehicle from which this petitioner escaped 630 litres of illicit liquor was recovered.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the detention period of the custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Rahika P.S. Case No.



153 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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