

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16641 of 2022**

Arising Out of PS. Case No.-150 Year-2021 Thana- NAANPUR District- Sitamarhi

Rakesh Jha S/O Maneshwar Jha R/o village- Kaligaon, P.S.- Singhwara,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Nanpur
P.S. Case No. 150 of 2021 registered for the offence under
Sections 30 and 30(a) of the Bihar Prohibition and Excise Act,
2016.

The accused/petitioner is not named in the F.I.R. and
is in custody since 13.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 67.80
litres of foreign liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner only being the owner of the alleged vehicle bearing Registration No. BR-07-PA-1725, the present petitioner has been falsely implicated in this case. It has been submitted the alleged vehicle has already been sold by the petitioner long back in the year 2020 to Vijay Kumar Rai, but implicated for the reason that the Registration Certificate (RC) of the vehicle still stands in the name of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation in this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery of illicit liquor is not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nanpur P.S. Case No. 150 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Excise Court-II, Sitamarhi,
subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Akhilesh Kumar Jha @ Akhilesh Jha, who is the full brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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