

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28382 of 2022**

Arising Out of PS. Case No.-59 Year-2022 Thana- BUXAR District- Buxar

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Jhunna Pathak @ Rajiv Ranjan Pathak Son Of Sachidanand Pathak R/O
Village- Neazipur, P.S.- Simari, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Rang Nath Choubey, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Buxar (T) P. S. Case No. 59 of 2022
registered for the offences punishable under Sections 30 (a) and
30 (c) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that the
police, on a secret information, arrested the petitioner and on his



confession, a raid was conducted in the house of co-accused Priyanshu Gupta @ Tuntun Gupta and on search, 54.5 litres Homeopathic Dilution Calcarea Fluroic and one bottle of bear was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the petitioner was arrested in another case and he has nothing to do with the present case, the police with some mala fide and oblique reason has implicated the name of the petitioner. It is further submitted that nothing has been recovered from the person or possession of this petitioner and moreover, the entire recovery has been made from the house of Priyanshu Gupta @ Tuntun Gupta, who has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 19019 of 2022 vide order dated 26.05.2022. It is lastly submitted that this petitioner has been remanded in this case on 31.01.2022 and since then he is in custody.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was arrested by the police and on his confession, the recovery has been made from the house of the co-accused person. It is also submitted that the petitioner bears two criminal antecedent.



Having considered the submissions made on behalf of the parties and taking into account the fact that save and except the confessional statement, there is no other material, which suggests the complicity of the petitioner in the present crime and moreover, the person from whose possession the entire recovery has been made, has already been granted bail by learned co-ordinate Bench of this Hon'ble Court and this petitioner is in custody since 31.01.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Buxar in connection with Buxar (T) P. S. Case No. 59 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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