

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31723 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- TAJPUR District- Samastipur

Kanhai Jha Son Of Madan Jha Resident Of Mujauna, Ward No. 16, Police
Station- Tajpur (Waini O.P.), District - Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tajpur
(Waini O.P.) P.S. Case No. 73 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery of
total 157.680 liters foreign liquor from the house of the father of
the petitioner and vehicle in question was also recovered.
Petitioner was not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR, his name has transpired in



this case as he is indulged in illegal sale and purchase of the liquor as mentioned in impugned order. It has been further submitted that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 08.03.2022 and bears criminal antecedent of six cases of similar nature and petitioner is on bail in all the cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. It has been further submitted that seizure list has not been made as per law and petitioner has no concern with seized liquor and seized vehicle in question.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise – 2, Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No. 73 of 2022,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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