

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48761 of 2021

Arising Out of PS. Case No.-438 Year-2017 Thana- BAHADURPUR District- Darbhanga

RAHUL KUMAR JHA S/o Sunil Kumar Jha Resident of Village- Kharajpur,
P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in Bahadurpur P.S. Case No.438 of 2017, registered for the offences punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is no recovery from the conscious



possession of the petitioner rather 198 litres of foreign liquor has been recovered from an auto. It is submitted that three persons were apprehended at the spot but none of the apprehended persons disclosed the name of the petitioner. The petitioner has got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that in paragraph 72 of the case diary, it is mentioned that the petitioner was previously involved in one case under the Excise Act and the alleged mobile number belongs to the petitioner.

Petitioner is ready to deposit a sum of Rs.20,000/- (rupees twenty thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

In the facts and circumstances of the case, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of



the like amount each to the satisfaction of learned A.D.J.-IInd-cum-Special Judge (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No.438 of 2017, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.20,000/- (rupees twenty thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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