

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45102 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- MADHEPUR District- Madhubani

Dilip Kumar Jha, Son of Shiv Shankar Jha, R/O Village- Bath, P.S.-
Madhepur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Hriday Narayan Harshit, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Madhepur P.S. Case No. 183 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

The police on a secret information, with regard to storage and selling of illicit liquor, conducted raid and on search total 98.250 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that in fact the entire recovery has been made from the house wherein his renter co-accused Dipak Kumar Sah used to reside. In support of his submission, the petitioner has brought on record a rent agreement, as contained in Annexure-2 to this application. He further submits that the petitioner being the owner of the house, his name has been implicated in this case, though he is residing in his native village, situated distantly to the place of occurrence. He next submits that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He lastly submits that the petitioner, having fair antecedent, is in custody since 21.06.2022.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, apart from the fact that the petitioner, having fair antecedent, is in custody since 21.06.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 183 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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.

(Harish Kumar, J)

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