

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46324 of 2022

Arising Out of PS. Case No.-50 Year-2020 Thana- BANKA District- Banka

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Santosh Kumar Jha, S/o Bam Jha, Resident of Village- Sanhapurwai, P.S.-
Saheppur Kamal Sanha, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Banka P.S. Case No. 50 of 2020 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2016.

As per prosecution case, recovery of 432 litres of
India made foreign liquor was made from a Tata Magic van and
the petitioner is stated to be the owner of the said vehicle.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The petitioner was not apprehended from the spot and



nothing incriminating has been recovered from his conscious possession. The petitioner has given his vehicle to his driver for plying it and he has no knowledge about the liquor being carried out in his vehicle by the driver. The petitioner is in custody since 26.04.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Banka in connection with Banka P.S. Case No. 50 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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