

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49362 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MANIGACHI District- Darbhanga

Raj Kumar Jha, Son of Mr. Bipin Chandra Jha, R/V- Ughara, P.S- Bahadurpur,
Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Manigachhi (Nehra OP) P.S. Case No. 52 of 2022, registered for the alleged offences under Section 420 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received information about smuggling of India made foreign liquor by 3-4 vehicles. The identified vehicles were intercepted and the co-accused persons were apprehended. Recovery of 1052.5 liters of India made foreign liquor was made from the intercepted vehicles. The co-accused named this petitioner as one of the persons to whom the delivery of liquor was to be made.



Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He has been named in this case merely on the basis of confessional statement of the co-accused. Except for the disclosure made by the co-accused, there is nothing against this petitioner. The charge sheet has been submitted and the petitioner is in custody since 25.06.2022 and is having clean antecedent.

Learned A.P.P. 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 submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he 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 Special Judge, Excise-2, Darbhanga, in connection with Manigachhi (Nehra OP) P.S. Case No. 52 of 2022, 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)

V.K.Pandey/-

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