

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54999 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- PUNAURA District- Sitamarhi

KESHAV JHA, Son of Triveni Jha R/V- Sangram Fandah P.S- Riga, Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Punaura P.S. Case No. 132 of 2022 registered for
the alleged offences under Sections 414, 420, 467, 468, 471 and 34
of the Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 2145 liters of
India made foreign liquor was made from a container truck, when a
raid was conducted on the basis of tip off that the illicit liquor was
being unloaded from it by the petitioner and other co-accused
persons. The petitioner along with co-accused Mohan Kumar was

apprehended from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is a farmer and due to previous enmity and antecedent, the petitioner has been falsely implicated in this case. Allegedly 6-7 co-accused persons fled away from the spot after seeing the police party and the petitioner was apprehended but the true fact is that petitioner was not apprehended from the spot and he was arrested from his house. The place from where the recovery has been made does not belong to this petitioner who has got no concern with the truck or the allegedly seized liquor. The petitioner is neither the owner nor the driver of the seized truck in this case. The petitioner met with an accident and has been using crutches for walking and it is not believable that he was present at the place of occurrence. Charge sheet has been submitted in this case and the petitioner is in custody since 15.06.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and he is accused in a number of cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact of submission of charge sheet along with period of custody of the petitioner, 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 Exclusive Special Excise Court-I, Sitamarhi,/concern court in connection with Punaura P.S. Case No. 132 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)

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