

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64293 of 2021

Arising Out of PS. Case No.-201 Year-2021 Thana- KHODAWANDPUR District- Begusarai

Sanjeev Kumar @ Rajan Jha, aged about 31 years, G- Male, S/O Late Braj
Kishore Jha R/o village- Bara, P.S.- Khodawandpur, Distt.- Begusarai

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rananjay Kumar, Adv.

For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 15-04-2022 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in Khodawandpur P. S. Case
No. 201 of 2021, instituted for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On 04-09-2021, there is alleged recovery of 493.560 liters
of illicit Indian Made Foreign liquor from the petitioner's
newly constructed house.



The petitioner's counsel submits that it is a case of false implication. Even as per the prosecution case, it is an under construction house and was accessible by many persons who were carrying on the construction activities and the petitioner cannot be held liable for the alleged recovery, which is not in accordance with the procedure prescribed for search and seizure.

The learned APP representing the State has opposed the prayer for bail. It is submitted that, admittedly, the petitioner is the owner of the house and the illicit liquor has been recovered from the house and he has also been arrested from there.

Considering the rival submissions, the fact that the petitioner has no criminal antecedents and has remained in custody for now more than seven months. Keeping in background the fact that the house was under construction and accessible by many persons, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai, in connection with Khodawandpur P. S. Case No.



21/2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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