

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67059 of 2021

Arising Out of PS. Case No.-846 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. Sonu Jha Son of Bijay Kumar Jha R/O Village- Kachahari Quarter, P.S- K.Hat, Dist- Purnea
2. Bijay Kumar Jha Son Of Ramakant Jha Resident Of Village- Kachahari Quarter, P.S- K.Hat, Dist- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioners and learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The two petitioners, father and son are in jail in connection with K. Hat P.S. Case No. 272 and 273 of the Indian Penal Code and Section 30 (a)/38(i) of Bihar Prohibition and Excise Act, 2016.

The allegations against the petitioners are that the police upon information, entered their house and found 17.25 foreign liquor below the bed. Further allegation is that 19 cartons total 170.28 foreign liquor was found out side their



house near grill gate and as such according to the prosecution story, 187.53 litras of foreign liquor was recovered from them.

Learned counsel for the petitioners submit that they were sitting outside, the police entered their bedrooms and came out with 17.25 liters of foreign liquor was alleging to have recovered from their bed for which they both the father and the son have already suffered since 15.9.2021(as stated in para-10 of the bail application).

So far as the recovery of 117.28 liters foreign liquor is concerned, the counsel for the petitioners submit that it was found outside the grill gate and not from the conscious possession of the petitioners. He lastly submits that both of them have clean antecedents and as such they be granted the privilege of bail.

Considering the aforesaid facts that charge-sheet has been submitted, both are having clean antecedents and they are in jail custody since 15.9.2021; this Court is inclined to grant them the privilege of bail. However, if it is found that contrary to what has been stated in para-3 if any of the petitioners are having criminal antecedent, this bail order shall become infructuous with respect of said individuals.

Let the petitioners be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Special Judge, Excise, Purnea, in connection with K. Hat P.S. Case No. 846 of 2021 subject to the following conditions:-

(i) one of the bailor should be the family members of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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