

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57132 of 2022

Arising Out of PS. Case No.-241 Year-2021 Thana- BAHERA District- Darbhanga

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Santosh Jha S/o Late Kashinath Jha Resident of Village- Shivram, P.S.-
Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad

For the Opposite Party/s : Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Bahera
P.S. Case No. 241 of 2021, registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation, 4340.16 liters of liquor has been
recovered from two vehicles.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner is neither
driver nor owner of the alleged vehicles and nothing has



been recovered from the conscious possession of the petitioner. He further submits that similarly situated co-accused, namely, Lalan Chaupal and Shankar Paswan have been enlarged on bail by the co-ordinate Benches of this Court vide orders dated 22.07.2022 and 04.08.2022, passed in Cr. Misc. No. 17804 of 2022 and Cr. Misc. No. 18950 of 2022 respectively.

The petitioner has been languishing in jail since 24.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in two more cases other than the present one.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Id. Addl. Sessions Judge – II cum Special Judge (Excise), Darbhanga in connection with Bahera P.S. Case No. 241 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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