

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55892 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- BAHERA District- Darbhanga

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Santosh Jha Son Of Late Kashi Jha @ Late Kashi Nath Jha R/O Village- Shiv
Ram, P.S.- Bahera, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Bahera P.S. Case No. 295 of 2021 lodged under Sections
467/468/471 of the I.P.C. read with Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, total recovery of 2297.16
litre foreign liquor from a truck has been made, which is the
subject matter of the present case.

Learned counsel for the petitioner submits that the
petitioner is neither truck driver nor the truck owner. Counsel
submits that petitioner is innocent and his name has figured in

this case only by virtue of the disclosure of the local public on the ground that the petitioner has 2 criminal antecedent in which he is on bail. Counsel submits that petitioner is in custody since 29.04.2022 and charge sheet has already been filed in this case. Counsel further submits that petitioner has not been apprehended from the place of occurrence. On a confessional statement his name has figured in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Darbhanga in connection with Bahera P.S. Case No. 295 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall

file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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