

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56634 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- BAHERA District- Darbhanga

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Santosh Jha Son of Late Kashi Jha @ Late Kashinath Jha, Resident of Village
- Shivram, Police Station - 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, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, 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. 180 of 2021, lodged under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the total recovery of 3809.16
liter of foreign liquor has been made, which is subject matter of
the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also
submits that petitioner is neither owner nor driver of the said
vehicle. He further submits that name of the petitioner has

figured in this case by virtue of confessional statement only. He also submits that petitioner was also not apprehended from the place of occurrence. Learned counsel further submits that there are 4 criminal cases pending against the petitioner, in which he is on bail in all the 4 cases. Learned counsel also submits that petitioner is in custody since 29.04.2022 and charge-sheet has been filed 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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise-II, Darbhanga in connection with Bahera P.S. Case No. 180 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 an 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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