

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57232 of 2022**

Arising Out of PS. Case No.-195 Year-2021 Thana- MANIGACHI District- Darbhanga

Santosh Jha, Son Of Late Kashi Jha, R/O Village- Shivram, P.S.- Bahera,  
District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Indu Kumari Srivastava, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      24-11-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Manigachhi P.S. Case No. 195 of 2021  
registered for the alleged offences under Sections 272, 273 and  
34 of the Indian Penal Code and under Section 30(a) of the  
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of 1505.550 liters  
of India made foreign liquor was made from a Bolero vehicle  
and it is alleged that the petitioner and other co-accused persons  
fled away from the spot when the raid was being conducted.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that petitioner has not been apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. He has been made accused in this case merely on suspicion. Moreover, petitioner is neither the driver nor the owner of the seized vehicle and he has no connection with the other co-accused persons. Similarly placed co-accused Deo Kumar Yadav has been granted anticipatory bail vide order dated 01.04.2022 passed in Cr. Misc. No. 13116 of 2022 by a Coordinate Bench. Charge sheet has been submitted in this case and the petitioner is in custody since 29.04.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.

20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Darbhanga in connection with Manigachhi P.S. Case No. 195 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/daya

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