

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70143 of 2021

Arising Out of PS. Case No.-456 Year-2021 Thana- SURSAND District- Sitamarhi

Rajesh Kumar Son Of Shri Mahesh Jha Resident of Village - Shrikhandi
Bhithha, P.s.- Sursand, Distt.- Sitamrhi

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-05-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Sursand (Bhitha O.P.) P.S. Case No. 456 of 2021 registered under Section 414 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution story, on information that the wine smugglers were to cross village Bhitha, the police party reached at the place of occurrence and found two motorcycles coming from the opposite direction. When they tried to intercept, the riders tried to flee. However, some accused persons were apprehended, the petitioner was one of them. They were carrying Jute Bag which was searched and 240 bottles of Nepali Liquor of 300 ml each totaling 72 liters were found. Accordingly, same were seized and petitioner amongst other



was arrested.

Learned counsel for the petitioner submits that he is a victim of circumstances, has no criminal antecedent and is in jail since 27.02.2021 (as stated in paragraph-10 of the bail application).

Learned counsel for the petitioner submits that he does not have any criminal antecedent and he is in custody since 27.9.2021 (as stated in para of the bail application).

He further submits that similarly situated co-accused Manas Kumar Jha has since been granted bail on 11.5.2022 vide Cr. Misc. No. 66124 of 2021. Let the same be kept on record.

Considering the aforesaid facts and that the charge sheet has been submitted, he has no criminal antecedent and is in jail since 27.09.2021; this Court is inclined to grant him the privilege of bail. However, if it is found that he does have any criminal antecedent contrary to what has been stated in para-3 of the bail application, the bail orders shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge -2nd cum Special Judge (Excise), Sitamarhi in connection with Sursand P.S. Case No. 456 of



2021, subject to the following conditions :-

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

(ii) the petitioner 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 his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

