

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59921 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- BAKHARI District- Begusarai

Shushant Kumar Jha, Son of Umesh Chandra Jha, R/V- Makhkha Chak, Ward
No. 7 Bakhari Nagar Parishad, P.S- Bakhari, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Bakhari P.S. Case No. 112 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about trading of illicit liquor at an identified place. A raid was conducted and from a maize field 765 litres of India made foreign liquor was recovered. One motorcycle was also recovered from the said field. Police came to know that the motorcycle belongs to the person who is a partner in this illicit trade of liquor. The petitioner is said to be the owner of the seized motorcycle.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has sold the motorcycle to one Md. Afsar and a sale letter dated 04.04.2022 was prepared. The petitioner has no concern either with the seized illicit liquor or the place in question from where the recovery has been made. The petitioner is in custody since 23.08.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, 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 Exclusive Special Excise Court No.-02, Begusarai in connection with Bakhari P.S. Case No. 112 of



2022, 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)

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