

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65241 of 2022

Arising Out of PS. Case No.-60 Year-2019 Thana- BAHERI District- Darbhanga

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Golu Jha @ Golu @ Guddu Son Of Late Nilamber Jha R/O Vill.- Kherajpur,
Ward No. 11, Near Pipal Tree, Kherajpur, P.S.- Bahadurpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bauye Jee Jha (B.J. Jha)

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-12-2022 This case is listed for out of turn hearing under the heading "To be Mentioned" on account of the fact that the mother of the petitioner is suffering from cancer and the petitioner is the only bread-earner in his family.

Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Baheri P. S. Case No. 60 of 2019, registered for the offences punishable under Sections 467, 468 and 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 801 litres of liquor was



recovered from a pick-up van, bearing Registration No. WB73A7016.

The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was already enlarged on anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 31.01.2022, passed in Cr. Misc. No. 46832 of 2021. However, on account of he helping his mother in getting medical treatment, he could not surrender in time and subsequently he was arrested.

Hence, he has preferred this present petition

The petitioner has been languishing in jail since 18.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail *vide* Cr. Misc. No. 46832 of 2021, which was allowed. Subsequently, he had also filed modification *vide* Cr. Misc. No. 27212 of 2022, which was also allowed.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in four other cases.



However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

In view of the fact that the petitioner has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge-1 (Excise Act), Darbhanga, in connection with Baheri P. S. Case No. 60 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, the Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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