

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6479 of 2023

Arising Out of PS. Case No.-155 Year-2021 Thana- BAHERA District- Darbhanga

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AMIT JHA @ AMIT KUMAR JHA S/O KAILASH JHA Resident of village-
Nawada, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
28.07.2022 in connection with Excise Prohibition (Bahera) P.S.
Case No. 155 of 2021, F.I.R. dated 02.08.2021 registered for the
offence punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2016.

Recovery is of 4124.46 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that it appears from the FIR as well as the
seizure list that nothing has been recovered from conscious
possession of the petitioner rather the recovery has been made
from the Truck in question which was stand near the Mango



Orchard and the name of the petitioner has been transpired during investigation on the basis of the disclosure made by the local Spy and the petitioner has no concern at all with the alleged recovery of illicit liquor or the Truck in question and co-accused persons, namely, Ram Kumar Jha @ Munna Jha, Chandramoli Jha and Santosh Jha have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 29.04.2022, 02.09.2022 and 21.11.2022 passed in Cr. Misc. Nos. 21405 of 2022, 28458 of 2022 and 59047 of 2022 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries on more case other than the present one but fairly submits that the petitioner is on bail in the said case.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2, Darbhanga in connection with Excise



Prohibition (Bahera) P.S. Case No. 155 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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