

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13449 of 2022

Arising Out of PS. Case No.-143 Year-2020 Thana- Madhubani Town District- Madhubani

ANIL KUMAR JHA Son of Late Shrestha Narayan Jha Resident of Village -
Mahinaqthpur, P.S.- Basopatti, Distt.- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Karn Son of Hariday Narayan Das Resident of Village - Sadar
Hospital Road, Ward no.29, P.O.- and P.S.- and Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Giridhar Gopal Tiwary, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para-3 of the bail petition during

course of the day.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.01.2023 in connection with Sarairanjan P.S. Case No. 174 of
2021, F.I.R. dated 07.11.2021 for the offences punishable under
Section 30(a)(C) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

Recovery is of total 465 liters of illicit liquor from the
hut and 20 liters from the car.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the one car and the hut of the petitioner. He further submits that the petitioner was not apprehended at the spot and he has no concern at all with the alleged recovery of illicit liquor or the car in question. He further submits that similarly situated, co-accused, namely, Nawal Kishore Ray has been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 105 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one in which he is on bail.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended at the spot, 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 the learned Special Judge, Excise Court-2, Samastipur in connection with Sarairanjan P.S. Case No. 174 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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