

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15351 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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MAJISTER OJHA SON OF BIDYA OJHA R/O - 6F, CHANDRANATH
SIMLAI LANE, PAIK PARA, P.S.- COSSIPORE, DISTRICT- KOLKATA
(WEST BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Y.C. Verma, Sr. Advocate

Mr. Ravi Bhushan, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-10-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30 (a) and
32 (3) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner rather
605.106 liters of foreign liquor is said to have been recovered
from a bus and the petitioner is the owner of the said bus.
Petitioner has no concern either with the seized liquor or the



place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the petitioner has given his bus to one Dak Sahani @ Dak Babu to ply it after entering into an agreement with him and the said agreement has been annexed as Annexure-2 to this application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Excise Case No.309/2021 (P.R.10/2021), subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that



(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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