

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21654 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- PANDAUL District- Madhubani

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RAJU JHA @ RAJ NARAYAN JHA Son Of Late Hira Nand Jha Resident Of
Village- Pahi, P.S.- Pandaul, Distt. - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Pandaul P.S. Case No. 05 of 2023, dated 10.01.2023 registered
for the offences punishable under Sections 272, 273 and 120(B)
of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36 and
41(i) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 540
litres of *foreign liquor* and the same is stated to have been
recovered from the basement of petitioner's house but as a
matter of fact the recovery was made from an abandoned place
near the house of the petitioner and admittedly at the time of
recovery, petitioner was in police custody in connection with



Bhairavsthan P.S. Case No. 05 of 2023, which also relates to the offence under Excise Act and in the said case petitioner has got bail and the present matter is, in actual, extension of the said Bhairavsthan P.S. Case No. 05 of 2023 as the recovery of the alleged wine concerned to the present matter was made in following with the disclosure made by this petitioner when he was in custody in connection with Bhairavsthan P.S. Case No. 05 of 2023 and against the petitioner there are criminal antecedents of three cases including Bhairavsthan P.S. Case No. 05 of 2023 and he is on bail in all the said cases and the recovery of the alleged wine concerned to the present matter was not made from the conscious possession of this petitioner and in the present matter he has been languishing in jail since 20.01.2023. Further submissions are that from the FIR as well as seizure list it is not clear that at the time of recovery of the alleged wine from the house of the petitioner any family member of this petitioner was present or not and the seizure list goes to show that the its copy was not given to any of the family members of this petitioner and both the said facts cast a serious doubt on the recovery of the alleged wine from the house of the petitioner and moreover, against the petitioner, investigation has been completed.



4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly completion of investigation against this petitioner in the present matter and his custody period, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Pandaul P.S. Case No. 05 of 2023.

(Shailendra Singh, J.)

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