

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38664 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- BAHADURPUR District- Darbhanga

KAILASH JHA @ DHANESH JHA @ DHANESH KUMAR JHA S/o Late
Ganesh Jha R/o village- Govindpur, P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 17-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bahadurpur P.S. Case No. 167 of 2022, registered for the offence punishable under Sections 22(c) of the NDPS Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The informant got a secret informant that liquor and drugs are being sold at Bambaiya Chowk, on 24.4.2022 at 20:45 hours, whereafter the police party had raided the place of incident and after seeing the police party, one person had tried to flee away, but was apprehended and



upon enquiry, he disclosed his name as Kailash Jha @ Dhanesh Jha i.e. the petitioner herein and upon search being made at his shop / house, huge quantity of Dialex DC Cough Syrup, Spasmo Proxyvon Plus Capsule, other tablets, country made Nepali wine and illicit liquor i.e. Royal Stag whiskey, Bag Piper whiskey and Mc Dowells whiskey were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.4.2022. The learned counsel for the petitioner has further submitted that neither the shop nor the house in question belongs to the petitioner and the petitioner has been falsely roped in the present case.

Per contra, the learned APP for the State has submitted by referring to the materials available in the case diary that the recovery of the aforesaid substances / liquor has been made from the petitioner and this Court had called for



the FSL report, whereupon a report dated 24.6.2022 has been submitted by the Prohibition, Excise and Registration Department, Government of Bihar, wherein the sample of the aforesaid liquor, seized from the petitioner, was analyzed and it has been found to be adulterated / spurious liquor, having ethyl alcoholic content and is unfit for human consumption, hence, it is submitted that such kind of illicit and spurious liquor, being traded in by the petitioner, is lethal and dangerous for the society, thus, the petitioner does not deserve the privilege of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also those contained in the case diary, this Court finds that adulterated and spurious liquor, unfit for human consumption, has been recovered from the petitioner, which has a far-reaching adverse social & economic



effect, upon the society at large and might have resulted in an untoward incident, in case the same was consumed by the end user, hence, I am not inclined to grant bail to the petitioner thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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