

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47335 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- LADANIA District- Madhubani

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ANKIT KUMAR JHA SON OF LAKSHMAN JHA RESIDENT OF
VILLAGE- KHOIR, P.S -RAJNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 26.04.2023 seeks
bail, in connection with Ladaniya P.S. Case No. 102/2023, dated
26.04.2023, corresponding to G.R. No.651/2023, for the
offences punishable under Sections 272, 273 of the IPC &
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. According to prosecution case, altogether 88.200
litres of Nepali liquor has been recovered from the possession of
the petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare
perusal of the F.I.R. as well as seizure list, it appears that



nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 26.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Ladaniya P.S. Case No.102/2023, 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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