

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56218 of 2023**

Arising Out of PS. Case No.-191 Year-2022 Thana- BABUBARHI District- Madhubani

BIKASH KUMAR JHA @ VIKASH JHA @ VIKASH KUMAR JHA SON
OF RAMCHANDRA JHA RESIDENT OF VILLAGE- SONAPATAHI, PS-
BABUBARHI, DIST- MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Babubarhi P.S. Case NO. 191 of 2022 registered under Sections 272, 273, 420 and 34 of the Indian Penal Code and Section 30 (a) 32 (ii) (iii) and 41 (I) (ii) of the Bihar Prohibition and Excise Act lodged on 28.08.2022 by the informant, Ravindra Kumar.

As per the prosecution story, from a six wheeler, the police recovered/seized 2178 liters of foreign liquor and all the three accuseds, namely, Arun Kumar Singh, Arjun Kumar and Chandan Kumar were arrested. They stated that there is a syndicate of accused persons who transported the illicit liquor.



Accordingly, the FIR.

The case of the petitioner is that admittedly, he is not the person who has been arrested rather the three persons who were taken up by the police have named him to be a part of syndicate which resulted into his custody since 21.06.2023 (as stated in paragraph-9 of the petition).

Learned APP opposes the prayer for bail stating that he has criminal antecedent of the same nature.

Taking into account the fact that recovery/seizure has been made from a six wheeler in which the three named accused persons were there, name of the petitioner has come in the confessional statement and he is in custody since 21.06.2023, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additonal Sessions Judge IInd cum Special Judge, Excise Act, Madhubani in connection with Babubarhi P.S. Case No. 191 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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