

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51186 of 2023

Arising Out of PS. Case No.-284 Year-2023 Thana- PHULPARAS District- Madhubani

1. JAIBEER JHA @ JAI KUMAR JHA SON OF MANI KANT JHA R/O-
PHULPARAS, P.S.-PHULPARAS, DISTT.-MADHUBANI
2. CHANDRAJEET SHING @ BHAJAN BABA SON OF HIRA SINGH R/O-
BHAWANIPUR, P.S.-BHEJA, DISTT.-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Phulparas P.S. Case No. 284 of 2023 for the offence punishable under Sections 420, 468, 471, 120(B) of the I.P.C. and 30(a) 32, 41 of the Bihar Prohibition and Excise Act lodged on 23.5.2023 by the informant, Kumari Priyanka Rani.

As per the prosecution story, the police recovered/seized 2810.52 liters of whisky from a container and further it was disclosed that petitioners were arrested from spot and on their confession, name of other accused also came who were doing the wine business.

Learned counsel for the petitioners submit that the



petitioners have no role to play in the matter but apprehended only because of criminal antecedent, they do not own the container and further irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 25,000/- towards the Patna High Court Legal Services Committee.

Learned APP opposes the prayer stating that they were arrested from the spot.

Considering the fact that the petitioners do not own the vehicle, the petitioner no.1 has remained in custody since 26.5.2023 whereas the petitioner no.2 has remained in custody since 24.5.2023, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 25,000/- each as undertaken by the learned counsel for the petitioners which has to be deposited before Nazarat of the concerned Court.

Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned Add. Sessions Judge-II cum Special Judge Excise Act, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 284 of 2023 subject to the following conditions:

- (i) one of the bailor should be the family member of



the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(iv) the petitioners 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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