

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58775 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- JHANJHARPUR District- Madhubani

1. Astheirh Kumar Jha Son Of Shyam Chandra Jha Resident Of Village-Dharmdiha, Ps- Phulparas, Dist- Madhubani
2. Dipak Kumar Pandit Son Of Surya Narayan Pandit Resident Of Village-Phulparas, Ps- Phulparas, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seeks bail who are in custody since
10.07.2023 in connection with Jhanjharpur P.S. Case No. 128 of
2023, F.I.R. dated 10.07.2023 for the offences punishable under
Sections 272 and 273 of the Indian Penal Code and Sections
30(a), 41 and 47 of the Bihar Prohibition and Excise Act.

3. Recovery is of 360 liters of illicit liquor.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that the petitioners were



sitting in one black colour Hundai Centro car registration no. WB 02 X6168 and red colour TVS motorcycle and when police reached there, they started fleeing away from the place of occurrence but both were apprehended. He further submits that it appears that the recovery has been made from the vehicle in question. He further submits that the petitioners have no concern at all with the alleged recovery of the illicit liquor and the petitioners are neither the owner nor the driver of the vehicle in question. He further submits that there is non-compliance of Section 100 of Cr.P.C. The petitioners are in custody since 10.07.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the petitioners have clean antecedent, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Jhanjharpur in connection with Jhanjharpur P.S. Case No. 128 of 2023, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Vanisha/-

U		T	
---	--	---	--

