

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65525 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- BENIPATTI District- Madhubani

Jayprakash Jha @ Jay Prakash Jha, male, aged about 37 years, S/O Late Anup Kumar Jha Resident of Village- Ranipur Mathari, P.S.- Benipatti, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ratanakar Jha, Adv.
For the State : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (*for brevity, APP*) appearing for the State of Bihar.

The petitioner seeks bail in connection with Benipatti PS Case No. 256 of 2022, GR No. 1872 of 2022, registered for the offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 170.58 litres illicit liquor from a thatched hutment. The police has arrived there on receiving intimation that illicit liquor trade is being carried out from the place. The petitioner has allegedly been apprehended while fleeing away.

It is submitted that having no antecedent the petitioner was arrested due to his proximity to the place of recovery, though he has no concern with the recovered substance. Recovery is denied and disputed by the petitioner's counsel. It is submitted that recovery is not in accordance with law.



The petitioner is in custody since 07-10-2022.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Addl. Sessions Judge-II-cum Spl. Judge Excise Act, Madhubani, in connection with Benipatti PS Case No. 256 of 2022, GR No. 1872 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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