

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71256 of 2023

Arising Out of PS. Case No.-162 Year-2023 Thana- PANDAUL District- Madhubani

Ravindra Jha @ Chhotu Jha, Son of Late Rati Jha (Wrongly mentioned in the F.I.R. son of Rati Jha), Resident of Village - Pachadhi, P.S. - Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 As prayed, learned counsel for the petitioner is permitted to make necessary correction in paragraph 12 of the bail petition in course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. In the present case, the petitioner seeks bail in connection with Pandaul P.S. Case No. 162 of 2023, registered for the alleged offences under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, police received information about the petitioner bringing country made Nepali liquor in a plastic bag on his motorcycle. A raid was conducted



and on seeing the police party, the petitioner fled away from the spot leaving behind his motorcycle on which there were three plastic sacks containing 108 liters of Nepali liquor. The nearby persons disclosed that the person who escaped was the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person/possession of this petitioner. The petitioner is neither the owner nor the rider of the said motorcycle which was seized. The petitioner is in custody since 21.08.2023 and is having clean antecedent.

6. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

7. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioner, who was not arrested from the spot and further considering his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Pandaul P.S. Case No. 162 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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