

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69156 of 2022**

Arising Out of PS. Case No.-246 Year-2022 Thana- DAUDNAGAR District- Aurangabad

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SANJIV JHA @ SANJIV KUMAR @ SUJIV JHA @ SANJIV KUMAR JHA
S/o Late Kamal Nath Jha R/o village- Lohna (West), P.S.- Bhairab Asthan,
Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 08-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Daud Nagar P.S. Case No. 246 of 2022, registered for the offence punishable under Sections 467, 468, 471/34 of the Indian Penal Code and Sections 30(a), 32(3), 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

The allegation is regarding recovery of 2569.400 liters of illicit liquor from a truck and the driver of the said truck, who was apprehended from the spot, had, upon interrogation, stated that the liquor was being taken to Madhubani to



be delivered to other co-accused persons including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases, but he is on bail in all the said two cases. The learned counsel for the petitioner has also submitted that the petitioner has been remanded in the present case on 19.10.2022. It is also submitted that the petitioner is neither the owner nor the driver of the vehicle in question and the driver of the truck in question has already been granted bail by a coordinate Bench of this Court, vide order dated 25.11.2022, passed in Criminal Miscellaneous No. 57288 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested from the spot nor the truck in question belongs to the petitioner and he has been roped in the present case merely on suspicion, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad (Bihar) in connection with Daud Nagar P.S. Case No. 246 of 2022.

(Mohit Kumar Shah, J)

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