

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80763 of 2023**

Arising Out of PS. Case No.-774 Year-2023 Thana- Excise P.S. District- Aurangabad

Jai Kumar Shah Son Of Late Mahavir Shah R/O Village- Jamuhar, P.S.-  
Dehri, Dist.- Rohtas (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aman Vishal, Advocate  
For the Opposite Party/s : Mr. Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      19-12-2023                      Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 30(a), 32(1) and 32(3) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 13 litres of beer, 900ml of tanaka country made liquor, 5.25 litres of foreign liquor is said to have recovered from a pick up van. He submits that petitioner is the owner of the said vehicle on that basis he has been made accused in this case. He submits that there is no recovery made from the conscious possession of the petitioner. He further submits that petitioner has got one criminal antecedent not in



similar nature of the offence as stated in para-3 of the bail application.

4. Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No. 3332964762, IFSC Code: CBIN0282779 (fifth character is zero), Central Bank of India, Chitkohra Branch.

5. Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise P.S. Case No. 774 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.



6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

**(Anjani Kumar Sharan, J)**

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