

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25287 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- MUSRIGHRARI District- Samastipur

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Anish Kumar Jha, Male aged about 35 years, Son of Late Ratan Jha @ Kari Jha, Resident of Village- Akhtiyarpur @ Akhtiarpur P.S.- Sarairanjan District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Musrighrarai P.S. Case No. 07 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, total 178.560 liters of foreign liquor has been recovered from a Scorpio vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of suspicion. He submits that the recovery is from a Scorpio vehicle which is not owned by the petitioner. It is further



submitted that the name of the petitioner has been surfaced only on the basis of locally posted constable. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 19.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Judge Excise-1st, Samastipur dated 17.02.2024, it appears that the seized articles have been recovered from the Scorpio vehicle and the name of the petitioner has been surfaced from the confessional statement of other two arrested accused persons, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1st, Samastipur in connection with Musrighrarai P.S. Case No. 07 of 2024.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on



bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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