

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27136 of 2024

Arising Out of PS. Case No.-105 Year-2022 Thana- HASANPUR District- Samastipur

Shashikant Jha Son of Hari Mohan Jha Resident of Village- Agraul, Ward No. 1, P.S.- Singhiya, Dist.- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Hasanpur P.S. Case No. 105 of 2022 registered for the offences punishable under Sections 25(1-B)(a), 26, 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 190.080 litre foreign liquor was recovered from the room of Government Veterinary Hospital. It is further alleged that one country made loaded pistol was recovered from the possession of co-accused Raja Vikash Prasad Singh. It is further alleged that two motorcycles were also recovered from near the Government Veterinary Hospital.

4. Learned counsel for the petitioner submits that



petitioner is not named in F.I.R. He further submits that the name of the petitioner has been surfaced in this case as an owner of one of Platina motorcycles bearing registration no. BR-33AD-8182. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is in custody since 15.02.2024 and bears no criminal antecedent. He is not apprehended on the spot. He further submits that co-accused Chandan Kumar Jha and Rajeev Kumar have already been granted bail by this Court vide Cr. Misc. No. 44447 of 2022 and the case of present petitioner stands on better footing as he is not apprehended on the spot and hence, he deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused have already been granted bail, petitioner is not apprehend on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Judge I, Samastipur in connection with Hasanpur P.S. Case No. 105 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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