

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34655 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- KALYANPUR District- Samastipur

Lalit Kumar Jha @ Lalit Jha Son of Late Kameshwar Jha Resident of village -
Jitwariya, Ward No.- 08, Police Station - Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 in connection with Kalyanpur P.S. Case No.88 of 2024.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 207 liters of liquor from a room of Prem Kumar Jha.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which



does not belong to the petitioner and he came to be implicated at the instance of 'Chowkidar' with whom he is on inimical term. It is next submitted that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Ist, Samastipur in connection with Kalyanpur P.S. Case No.88 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is further made clear that the learned trial court shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than two case, then also the present anticipatory bail order shall



not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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