

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35860 of 2024

Arising Out of PS. Case No.-268 Year-2024 Thana- AHYAPUR District- Muzaffarpur

Manish Jha Son of Chiranjeevi Jha Resident of Mohalla- Balighat, P.S- Town
(Sikandrapur O.P), Dist- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 268 of 2024 (G.R. No. 228 of 2024)
instituted for the offences under Section 30(a)/41 of the Bihar
Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered
total 111.75 liters illegal foreign liquor from the dickey of the
car. The petitioner was arrested on the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is the owner of I-20 vehicle bearing Regd. No.



BR-01-BL-8337 and runs a travel company in the name and style of “*Ansh Tour and Travel*” agency. He further submits that the vehicle of the petitioner was driven by the driver who fled away from the spot and the petitioner has been made scapegoat only because he is the owner of the vehicle, in question. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the seized liquor or the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.02.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Shivnath Kumar and Chandan Kumar Jha have been granted bail by this Court vide order dated 08.04.2024 passed in Cr. Misc. No. 27203 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the



petitioner and the petitioner having no criminal antecedent as also the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ahiyapur P.S. Case No. 268 of 2024 (G.R. No. 228 of 2024).

(Rudra Prakash Mishra, J)

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