

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59138 of 2024

Arising Out of PS. Case No.-1423 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Lokesh Kumar Jha S/O Ramchandra Jha R/O Vill- Kaji Hirdyanagar, Ward
No 06, PS- Banmankhi, Dist- Purnia.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha

For the Opposite Party/s : Mrs. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with K. Hat (Madhubani) P.S. Case No. 1423/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of 105.750 liters foreign liquor from the house of co-accused Gangesh Kumar.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of petitioner transpired in this case during course of investigation



on the basis of confessional statement of co-accused Manish Kumar and the said co-accused has already been granted bail by this Court vide Cr. Misc. No.8190/2024 and the case of present petitioner stands on better as he is not apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 12.07.2024 and bear criminal antecedent of three cases and in all cases he is on bail. He further submits that the seizure list has not been prepared as per the law.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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 bonds 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-01, Purnia in connection with K. Hat (Madhubani) P.S. Case No. 1423/2023, 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 tamper 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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