

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67798 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- NAUBATPUR District- Patna

AJAY KUMAR JHA @ AJAY JHA @ BABUA DON Son of Kameshwar Jha
R/o vill - Dharmagatpur Gangati, P.S. - Sakra, Dist. - muzaffarpur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard Mr. Prabhat Kumar Singh, learned counsel for

the petitioner and Mr. Dilip Kumar No. 1, learned A.P.P. for the

State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 of the Indian Penal Code and Sections 30 (a), 32(i)(ii) (iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 3663 liters of foreign liquor is said to have recovered from an Alto Car and a Truck. He submits that the petitioner is not the owner of any of the seized vehicles and he is implicated in this case on the basis of



confessional statement of co-accused, Satyam Kumar. Similarly situated co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 32771 of 2023. The petitioner has five criminal antecedents as stated in para-3 of the bail application.

4. Petitioner is agreed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh) in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Naubatpur P.S. Case No.221 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

anand/-

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