

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78533 of 2024**

Arising Out of PS. Case No.-244 Year-2024 Thana- JAYNAGAR District- Madhubani

Shivam Kumar Jha S/o- Aniruddh Jha @ Anrudh Jha Resident of Village- Dih  
Berai, Post- Atihar, P.S.-Sadar Darbhanga (Town), District- Darbhanga  
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      14-11-2024                      Heard the parties.

2. The petitioner is in judicial custody in connection with Jaynagar P.S. Case No. 244 of 2024 for the offences punishable under Sections 274, 275, 317(5), 3(5) of the BNS, 2023 and under section 30(a) of the Bihar Prohibition and Excise Act, lodged on 31.08.2024 by the informant, Mukesh Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, a Belero vehicle was intercepted and there is recovery/seizure of 06 litres Beer as also 405 litres of country made liquor and from motorcycle, 03 litres of Nepali liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the Bolero car, he has no criminal antecedent and is in custody since 01.09.2024 (para-12 of the petition). The last



submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.10,000/- (Ten thousand) to the District Legal Services Authority, Madhubani, for installation of benches in the Civil Court campus, Madhubani.

5. Learned APP opposes the prayer submitting that he was present in the Bolero when the interception/recovery made.

6. Considering the submissions put forward by the parties as also the fact that he has no criminal antecedent, and does not own the vehicle, has remained in custody since 01.09.2024, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- (Ten thousand) to the District Legal Services Authority, Madhubani, for installation of benches in the Civil Court campus, Madhubani. Receipt has to be filed to the trial court.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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