

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79989 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- SIMRAHA District- Araria

=====

Sitesh Kumar Jha Son of Arun Kumar Jha Resident of Village- Shivpuri,
Ward No. 09, Police Station -Araria, District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

=====

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

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with
Simraha P.S. Case No. 107 of 2024 instituted for the offences
under Sections 21(c) of N.D.P.S Act and 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 7.625
litres in which 5.625 litres foreign liquor, 2 litre local liquor, 2.6
litres codeine cough syrup was recovered from the house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is submitted



that recovery is made from the house of co-accused Shyama Devi and not from the house of this petitioner. The petitioner's house is separate and distinct from the house of co-accused Shyama Devi and he cannot be implicated on the basis of contraband recovered from near the house of his neighbor Shyama Devi. The petitioner is in custody since 29.08.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Simraha P.S. Case No. 107 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

U		T	
---	--	---	--

