

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1405 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. ANIL KUMAR JHA @ BHULLA S/O RAM BALAK JHA R/O VILLAGE-
JHAKHRA, P.S- SARAIRANJAN, DISTT.- SAMASTIPUR.
2. SUNIL KUMAR JHA S/O RAM BALAK JHA R/O VILLAGE-
JHAKHRA, P.S- SARAIRANJAN, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. At the very outset, learned counsel for the
petitioners seeks permission to withdraw this application in
respect of petitioner no.1, submitting that during pendency of
this application petitioner no.1 has already been apprehended
by the police.

3. Permission is accorded.

4. Accordingly, this application is dismissed as
withdrawn in respect of petitioner no.1 only.

5. Now, this application survives only for
petitioner no.2.



6. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30 (a) and 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2022.

7. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 454.445 liters of illicit liquor is said to have been recovered from two vehicles. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. There is violation of Section 100 Cr.P.C. Similarly situated co-accused, namely, Varun Ray @ Bhagat has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Misc. No.85772 of 2023. Petitioner has six criminal antecedents of similar nature of the offence as mentioned in para-3 of this application.

8. Petitioner no.2 is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No.3332964762, Central Bank of India, Chitkohra Branch, IFSC Code :CBIN0282779 (fifth character is zero), MICR Code : 800016018.



9. Having regard to the facts and circumstances of the case, let the above named petitioner no.2, 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 learned Court below where the case is pending/successor Court in connection with Sarairanjan P.S. Case No. 311 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

10. 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.

(Anjani Kumar Sharan, J)

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