

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26497 of 2025

Arising Out of PS. Case No.-75 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Raushan Kumar Jha @ Raushan Jha S/O Bipin Jha @ Dilip Kumar Gupta
Resident of Village- Morva Dih, Ward No.- 13, Police Station- Musrigharari
and District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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

ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection
with Musrigharari (Musrigharari) P.S. Case No. 75
of 2024 instituted for the offences under Section
30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has
recovered total 123.12 liters of illicit liquor from
the open field.

4. This is the third attempt of the petitioner.
The petitioner has earlier moved before this
Hon'ble Court with a prayer for anticipatory bail
twice, firstly vide Cr. Misc. No. 73766 of 2024 which



was dismissed as withdrawn vide order dated 18.10.2024 and secondly Cr. Misc. No. 3374 of 2024 which was also dismissed as withdrawn vide order dated 04.04.2025 passed by a Co-ordinate Bench of this Court.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested from the place of occurrence. His name has transpired in this case on the basis of the disclosures made by the local Choukidar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has altogether ten criminal antecedents and is languishing in judicial custody since 13.02.2025 without any rhymes or reason.



6. Learned counsel for the petitioner again submits that the co-accused persons have already been granted bail by a Co-ordinate Bench of this Court vide orders dated 09.08.2024 and 13.08.2024 passed in Cr. Misc. Nos. 56802 of 2024 and 57486 of 2024 respectively.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has altogether ten criminal antecedents.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Musrigharari (Musarigharari) P.S. Case No. 75 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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