

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33646 of 2025

Arising out of PS. Case No.-489 Year-2023 Thana- Excise P.S. District- Begusarai

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Piyush Jha @ Piyush Kumar @ Chhotu @ Chhotu Jha @ Gulli, Son of Bipin Jha Resident of Ward No.- 42, Village - Bari Aighu, Mohaneghu, P.S.- Begusarai Muffasil, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s: Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016. He has five criminal antecedents.

3. As per the prosecution case, the police had recovered 234 litres of foreign liquor from a tempo and two persons were apprehended namely Saurav Kumar and Shiv Charan Mahto, who disclosed the name of the person namely Piyush Jha (Petitioner) who had fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case at the behest of the accused persons. It is further submitted



by learned counsel for the petitioner that no incriminating material has been recovered from the conscious possession of the petitioner and except suspicion there is nothing to connect the petitioner with the present case. It is also submitted by learned counsel for the petitioner that Co-accused Saurav Kumar has been granted bail by a Co-ordinate Bench of this Court *vide* order dated 01.02.2024 passed in Cr. Misc. No. 3677 of 2024. It is lastly submitted that the petitioner has five criminal antecedents and is in custody since 26.03.2025. Learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and also considering the period of custody of the petitioner and the co-accused person has already been granted bail by a Co-ordinate Bench of this Court, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II/Court concerned, Begusarai in connection with Begusarai Excise P.S. Case No. 489 of 2023, subject to the



following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioner, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.



However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Begusarai within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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