

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23945 of 2017

Arising Out of PS.Case No. -165 Year- 2017 Thana -NAWADA District- NAWADA

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Jitendra Kumar Son of Suryadeo Singh, Resident of Village- Janardanpur,
Police Station- Fatuha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

4 19-07-2017 Learned counsel is permitted to make necessary
correction in paragraph 1 of the petition.

Heard learned counsel for the petitioner and the
State.

Petitioner is in custody in connection with Nawada
Town P.S. Case No.165 of 2017 registered for the offence under
Section 414 of the I.P.C. and Section 30(a) of Bihar Prohibition
and Excise Act,2016.

From perusal of the F.I.R. it appears that 32 liters
foreign liquor was seized from the Indica vehicle bearing
Registration No.BR1U-8824. The petitioner is alleged to be driver



of the said vehicle.

As per the statement made in paragraph 3 of the petition the petitioner has no criminal antecedent.

So far as the application of Section 414 of I.P.C. is concerned, submission is that no case of theft was registered as such Section 414 of I.P.C. is not applicable, regarding seizure of 32 liters foreign liquor is concerned, petitioner submits that he is only a driver and not the owner of the liquor in question. Counsel for the petitioner pleaded total ignorance and innocence in this matter.

Earlier the petitioner was granted provisional bail by the order dated 1.6.2017 in order to attend the Shradh of his father. The Petitioner surrendered in terms of order dated 1.6.2017. Now he is praying for regular bail.

Having regard to the facts and circumstances of the case and considering that vide paragraph 3 of the petition the petitioner has stated on affidavit that he has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate,



Nawada or concerned court, in Nawada Town P.S. Case No.165/17 with condition that the petitioner will cooperate in conclusion of the trial and will not in any manner tamper with the evidence and influence the witnesses.

(Anil Kumar Upadhyay, J)

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