

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9097 of 2019

Arising Out of P.S. Case No.-6 Year-2019 Thana- SITAMARHI District- Sitamarhi

JITENDRA KUMAR, aged about 24 years (Male), Son of Hari Chandra Sah
@ Harischandra Sah R/o village- Riga road , P.S- Sitamarhi, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-02-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Sitamarhi
P.S.Case No.06 of 2019 for the offence alleged under Sections
272 and 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information, raid was conducted in
the house of one Pankaj Yadav and from the courtyard 91.380
litres of Indian Made Foreign liquor and Nepali Saufi wine were
recovered. The petitioner was apprehended at the spot who
confessed that he and one Pankaj Yadav are the owners of the
said liquor and they trade in liquor. Accordingly, a seizure list



was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and nothing has been recovered from the possession of the petitioner or from the house of the petitioner and self confessional statement before the police has no evidentiary value in the eye of law. He further submits that the petitioner is languishing in judicial custody since 03.01.2019 for no fault on his part.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on competition of three months in custody on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sitamarhi P.S.Case No.06 of 2019 to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi, District-Sitamarhi, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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