

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62483 of 2019

Arising Out of PS. Case No.-358 Year-2019 Thana- PHULWARISHARIF District- Patna

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JITTOO KUMAR @ CHANDAN KUMAR @ JITTOO @ CHANDAN, Son
of Late Jittan Rai, Resident of Village - Upharpura, P.S.- Phulwarisharif,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
08.08.2019 in a case registered for the offences punishable
under Sections 467, 468, 474, 420, 120B of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case is that from a truck and a Tata



Sumo vehicle, 4700.160 litres and 4815.720 litres of Indian Made Foreign Liquor respectively were recovered. The petitioner was identified as one of the person who tried to escape from the place of seizure.

It is submitted by learned counsel for the petitioner that the said recovery cannot be treated from the conscious physical possession of the petitioner, and moreover, the similarly situated co-accused, Pramod Kumar, has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.10.2019, passed in Criminal Miscellaneous No. 62720 of 2019. It is further submitted that a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was found escaping from the place of seizure.

Considering the suspicious nature of accusation, similarly situated co-accused being granted bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge (Excise), Patna, in connection with Special Case No.3671 of 2019, arising out of Phulwarisharif P.S. Case No. 358 of 2019.

(Dinesh Kumar Singh, J)

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