

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23277 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- KIUL RAIL P.S. District- Lakhisarai

JITENDRA PRASAD @ JITENDRA KUMAR Son of Late Vishwanath
Prasad Resident of Village-Dayachak Ward No.27, P.S-Barh, District-Patna.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-09-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in Kiul Rail P.S. Case No. 17 of
2020 registered for the offence punishable under Sections 30(a) of
Bihar Prohibition and Excise Act 2018.

On secret information a raid conducted and 82 litres of
foreign liquor is alleged to have been recovered from beneath the
seat of petitioner while he was travelling in a train.

It is submitted on behalf of the petitioner that petitioner
is innocent and has not committed any offence and has been falsely
implicated in this case. Nothing has been recovered from the
conscious possession of the petitioner and he is no way related
with the said recovery. Provisions of 100 Cr.P.C. has not been
followed. Petitioner is in custody since 13.02.2020. Petitioner has
clean antecedent.

Considering the aforesaid facts, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II -cum-Special Judge (Excise) Lakhisarai in connection with Kiul Rail P.S. Case No. 17 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate 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.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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