

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19454 of 2021**

Arising Out of PS. Case No.-12 Year-2021 Thana- KHUSRUPUR District- Patna

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JITENDRA SINGH SON OF JAYNATH SINGH RESIDENT OF VILLAGE-
SIRISIYAN, P.S. BARHARA, DISTRICT- ARA (BHOJPUR) AT PRESENT
RESIDING AT HARISCHANDRA NAGAR SIPARA, P.S. BEUR,
DISTRICT- PATNA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Special Case (Excise) No. 168 of 2021 relating

to Khushrupur P.S. Case No. 12 of 2021 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act, 2018.

As per the prosecution story the informant who was

on patrolling duty got secret information about illicit liquor



being loaded in a bolero from a bus in Tilhar village. The informant along with his team reached at the said place and on seeing police some persons tried to flee away but three of them (including the petitioner) were caught eventually. Upon search total 360 litres illicit liquor was recovered from the bus and the bolero.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is cleaner of the bus and he had no knowledge of liquor being kept in the bus and nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody in connection with this case since 06.01.2021 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is said to be the cleaner of the bus in which the alleged illicit liquor were being carried, the submission being that the petitioner had no idea about the articles kept in the bag by a particular passenger, this petitioner has got no criminal antecedent and has remained in custody in



connection with this case since 06.01.2021, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 168 of 2021 relating to Khushrupur P.S. Case No. 12 of 2021 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

