

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22780 of 2021**

Arising Out of PS. Case No.-143 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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JITENDRA KUMAR PATEL Son of Sri Nagina Ravat R/o Village- Sadhu
Chauk, Sareya, Ward No.3, P.S. and Dist- Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-09-2021 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 Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Bishwambharpur P.S. Case No. 143/2020
registered for the offences punishable under Section 30(a)/41(1)
of the Bihar Prohibition & Excise Amendment Act, 2018.

As per the prosecution story, on 21.09.2020 at 10:00
P.M. while the informant was on patrolling duty along with
police officials, he reached at Sisavan Metallic road and started
searching of the vehicle, in the meantime he saw a four wheeler
and on seeing police party the driver of the said vehicle tried to

flee away but on chase he was apprehended and disclosed his name as Raju Kumar Gupta and on search 405 liters of illicit liquor were recovered from the vehicle. It is alleged that the apprehended person disclosed the name of the petitioner.

Learned counsel for the petitioner submits that he has been implicated in this case because he happened to be the owner of the vehicle. Learned counsel submits that the co-accused Raju Kumar Gupta on whose confessional statement the name of the petitioner has transpired has been granted bail in Cr. Misc. No. 3610/2021. Learned counsel further submits that petitioner is in custody in connection with this case since 07.01.2021 and the only case stated in paragraph '3' his prayer for bail is presently pending.

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

Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that he has been implicated in this case because he happened to be the owner of the vehicle, the co-accused Raju Kumar Gupta on whose confessional statement the name of the petitioner has transpired has been granted bail in Cr. Misc. No. 3610/2021, the petitioner is in custody in connection with this case since

07.01.2021 and he was not present in the Scorpio when the illicit liquor was allegedly found as also that the only case stated in paragraph '3' his prayer for bail is presently pending, considering the materials on the record and the period of custody since 07.01.2021, this Court directs release of the petitioner above named 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 2nd Additional District & Sessions Judge, Gopalganj in connection with Bishwambharpur P.S. Case No. 143/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.