

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38810 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- SURSAND District- Sitamarhi

BITU KUMAR@JITU KUMAR S/o Dinesh Baitha Resident of Village-
Sursand Bazar Ward No. -5, P.S.- Sursand and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.H.A. Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-09-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sursand P.S. Case No.90 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition Excise Act 2016.

Altogether 66 liters of illicit liquor is said to have been recovered from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. No such occurrence has ever taken place. He has been falsely implicated in this case due to ulterior motive. The said house from where the recovery has been made is a joint house of the petitioner where other members also reside. There is non compliance of Section 100 of the Cr.P.C. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 24.02.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court, in connection with Sursand P.S. Case No.90 of 2020, with the following conditions:-

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his/her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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