

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33406 of 2020**

Arising Out of PS. Case No.-198 Year-2020 Thana- AWTARNAGAR District- Saran

JITENDRA KUMAR SRIVASTVA @ JITENDRA KR. SRIVASTVA Son of
Late Shivnath Prasad Srivastva Resident of Village - Narawn, P.S.- Awtar
Nagar, District - Saran at Chapra.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.
For the State : Mr. Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-03-2021 In view of the submission and undertaking of the

learned counsel for the petitioner, at the time of hearing of this

application, through Video Conferencing, that he would remove

the defect(s), as pointed out by the office vide its notes dated

07.12.2020, within four weeks of starting of the Court

proceeding in physical mode, he is permitted to remove the

same accordingly.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection

with Awtar Nagar Police Station Case No.198 of 2020 registered

under Sections 30 and 30(A) of the Bihar Excise Prohibition

Act.



The accusation is that on receiving the secret information about keeping the liquor in huge quantity by Jitendra Kumar Srivastva (petitioner) at his house in village-Narawn and selling the same with the help of his associate, the informant along with other police personnel reached at the house of Jitendra Kumar Srivastva (petitioner) in village-Narawn and saw one person taking the cartons from the house of Jitendra Kumar Srivastva (petitioner), whereas one person standing near the door of the house of Jitendra Kumar Srivastva (petitioner). On seeing the police party, both the persons started to flee away but, on chase, they were apprehended and in their presence, the house of Jitendra Kumar Srivastva (petitioner) was searched from where 24 bottles, each containing 375 ml., 47 bottles, each containing 180 ml., 60 bottles, each containing 180 ml., and 24 bottles, each containing 500 ml., Indian Made Foreign Liquor were recovered. Both the apprehended persons, disclosed their name as Imtiaz Ansari and Chandan Kumar Srivastva and they also disclosed that on seeing the police party, Jitendra Kumar Srivastva (petitioner) fled away from his house.

Learned counsel for the petitioner submits that, in fact, the liquor was being sold by Chandan Kumar Srivastva, who is the brother of the petitioner and was also apprehended



along with Imtiaz Ansari. The petitioner being the brother of Chandan Kumar Srivastva has falsely been implicated in this case and the petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-Special Judge (Excise), Saran, in connection with Awtar Nagar Police Station Case No.198 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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