

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7448 of 2021**

Arising Out of PS. Case No.-264 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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JITENDRA RAY @ JITENDRA KUMAR YADAV S/o Suraj Ray Resident of
Village- Madhuban Pakri, P.S.- kanti, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Rakesh Singh, Advocate

For the Opposite Party/s : Mr Mritunjay Kr Nirala, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-06-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Kanti Police Station (for
brevity, *PS*) Case No 264 of 2020 instituted for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016.

1270.800 liters of illicit foreign liquor has allegedly
been recovered from two vehicles. Petitioner's name has been
stated by the apprehended co-accused persons.

It is submitted by the petitioner's counsel that on basis
of confessional statement of co-accused, having no evidentiary



value, the petitioner has been implicated in this case. In like manner, he has been implicated in six cases out of which he has been allowed bail in two cases and bail applications are pending consideration in four cases. Submission is that petitioner was not arrested at the time and place of recovery. There is also no recovery of any incriminating material from the petitioner. Petitioner is in custody in connection with this case since 13.10.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Kanti PS Case No 264 of 2020 subject to the following conditions:-

(i) 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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