

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7306 of 2021

Arising Out of PS. Case No.-343 Year-2019 Thana- SAKRA District- Muzaffarpur

JITENDRA KUMAR S/O RAJENDRA RAI R/O VILLAGE RATANPUR
KEWAL, P.S-SAKARA, DISTRICT-MUZAFFARPUR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Sakra PS Case No. 343 of 2019 registered under Sections 468, 420, 469 and 120(B) of the IPC and Sections 30 and 30(a) of Bihar Prohibition and Excise Act, 2016 .

Since 7.10.2020 the petitioner is in custody having no criminal antecedent on an allegation that he was found crossing by a place from where 6050.280 liters illicit wine has been recovered from some truck.

It is submitted by learned Counsel for the petitioner that the implication is only for the reason that he was allegedly seen going by the location from where recovery has been made. The same



is grossly unsustainable so as to attribute any criminal motive or allegation against the petitioner. Petitioner is in custody since 7.10.2020. It is submitted that implication is on extraneous consideration. Two other similarly situated co-accused namely Nitesh Kumar and Sonu Kumar @ Sonu Chaurasiya have been allowed bail vide Cr. Misc. Nos. 58863 of 2019 and 87109 of 2019 respectively (Annexure 2).

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Sakra PS Case No. 343 of 2019 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.

(Madhuresh Prasad, J)

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