

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9037 of 2021

Arising Out of PS. Case No.-117 Year-2020 Thana- GAIGHAT District- Muzaffarpur

Jitendra Kumar @ Jitendra Ray Son of Uma Ray @ Uma Shankar Ray
Resident of Village - Laxman Nagar, P.S. - Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2021

In view of sudden resurgence 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 Gaighat PS Case No. 117 of 2020 registered under Sections 272, 273 of the IPC and Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

4527.360 liters foreign liquor has allegedly been recovered from a twelve wheeler truck. Allegation is that person indulging in the trade and transportation of liquor have fled away on seeing the police party.

Learned Counsel for the petitioner submits that having no criminal antecedent the petitioner has been implicated on alleged identification by two Chaukidars. Petitioner is in custody since 20.10.2020 and has no concern with the alleged recovery. Even as per prosecution case he has not been arrested at the time and place of



recovery.

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 Act, Muzaffarpur in Gaighat PS Case No. 117 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.

(Madhuresh Prasad, J)

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