

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3601 of 2022

Arising Out of PS. Case No.-151 Year-2020 Thana- RAGHOPUR District- Vaishali

Jitendra Kumar @ Jitendra Rai, Son of Surendra Rai, R/O Village- Litiyahi,
P.S.- Raghapur (Rustumpur O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Amresh Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Raghapur (Rustampur OP) P.S. Case No. 151 of 2020 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that on a confidential information that in village Litiyahi some accused persons, who are involved in the trade of illegal liquor, concealed illicit liquor. On raid being made 76.830 litres of India made foreign liquor was seized from the hut/Palani of



Pintu Kumar.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any recovery has been made from the possession of this petitioner, rather the alleged recovery has been made from the hut/Palani of co-accused Pintu Kumar. It is further submitted that the petitioner has no concerned with the alleged recovery and except the fact that the petitioner was said to be involved in the trade of illicit liquor, there is no material which suggest the complicity of this petitioner in the present case. It is further submitted that the petitioner is in custody since 14.09.2021, though investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner appears to be habitual offenders, inasmuch as he has been found accused in 11 similar nature of cases.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from the hut/Palani of co-accused Pintu Kumar and the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his



possession and moreover the petitioner had earlier moved before this Court for grant of anticipatory bail wherein the petitioner was granted anticipatory bail vide order dated 03.08.2021, but as he could not furnish the bail bonds within time, the same has become infructuous, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Vaishali at Hajipur in connection with Raghapur (Rustampur OP) P.S. Case No. 151 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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