

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3407 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

JITENDRA RAI @ JITENDRA KUMAR S/o Surendra Rai R/o vill Litiyahi,
P.S. - Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Industrial P.S. Case No. 14 of 2021 registered for the offences
punishable under Sections 420, 467, 468 of the I.P.C. and
Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise
Amended Act, 2018.

As per prosecution case, there is alleged recovery
of 4298.40 litre IMFL from the truck in question and it is
alleged that alleged consignment of liquor has been brought at
the instance of petitioner and others.

Learned counsel for the petitioner submits that



petitioner is in custody since 10.09.2021 and bears criminal antecedent of ten cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered either from conscious possession or house of the petitioner. He further submits that seized liquor does not belong to the petitioner. He further submits that petitioner has been dragged in this case on the basis of his previous criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond 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 Excise Court, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 14 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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