

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2832 of 2022

Arising Out of PS. Case No.-261 Year-2020 Thana- KALYANPUR District- Samastipur

JITU RANA @ GOVIND KUMAR Son of Satrudhana Mahto Resident of
Village - Barheta, P.s.- Kalyanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshu Dhar Sharma
For the Opposite Party/s	:	Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2022 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
APP for the state.

The petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No. 261 of 2020, registered for the
offences punishable under Sections 30(a) & 41(i) (ii) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on the basis of secret
information, informant along with raiding party raided the hut of
Bindeshwar Mahto, on seeing police party, 4-5 person fled away
in the light of jeep the Choukidar identified the fled away
persons as petitioner is one of them. It is alleged that total
quantity of 75.600 litres was seized from the hut of co-accused



of Bindeshwar Mahto.

Learned counsel for the petitioner has submitted petitioner bears criminal history of five cases. He further submits that no recovery has been found from the possession of the petitioner. Petitioner has no concern with the said article. Petitioner is in custody since 02.11.2021. Charge-sheet has already been submitted and there is no chance of tampering with the evidence. Learned counsel for the petitioner has submitted that co-accused Prabhat Chaudhary has already granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 57056 of 2021 vide order dated 07.01.2022.

The learned APP for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody and co-accused had already been granted bail by the Co-ordinate Bench of this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. and cum Special Judge, Excise, Samastipur, in connection with Kalyanpur P.S. Case No. 261 of 2020, subject to following condition:



(i) The petitioner shall be released after framing of charge.

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

(iii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned trial court itself.

(Alok Kumar Pandey, J)

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