

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9537 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- CHANDAN District- Banka

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Jitendra Kumar @ Jito @ Jitendra Yadav, S/o Rambilash Yadav @ Ramvilash
Yadav, R/o village- Sajjua, P.S.- Asarganj, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chandan P.S. Case No.58 of 2021, corresponding to Special Case No.285 of 2021, registered for the alleged offences under Sections 30 (a) (g) and 32(2) of the Bihar Prohibition & Excise Act, 2018.

The prosecution case is that during checking of vehicles, about 581.00 litres of India made foreign liquor was recovered from a vehicle and co-accused persons were apprehended and the co-accused driver stated before the police



that he had been carrying this liquor from Bokaro on instruction of the petitioner.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has been dragged in this case merely on the basis of disclosure made by the co-accused persons apprehended by the police. The learned counsel further submits that this petitioner is neither driver nor the owner of the offending vehicle, but he has been made scape-goat in the instant case. Moreover, charge-sheet has been submitted in this case and the petitioner is in custody since 16.11.2021.

The learned APP opposes the prayer for bail, submitting that the petitioner is an accused in a larger number of cases.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and his name came up during investigation and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 16.11.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Banka in connection with Chandan P.S. Case No.58 of 2021, corresponding to Special Case No. 285 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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