

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21358 of 2022

Arising Out of PS. Case No.-16 Year-2021 Thana- MAHESHKHUNT District- Khagaria

JITENDRA BOSAK S/o Rameshwar Prasad @ Rameshwar Bosak R/o
village- Chocha, P.S.- Baisi, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Maheshkhut P.S. Case No. 16 of 2021 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 2250 litres liquor from the truck in question and name of
petitioner has been surfaced on the disclosure of apprehended
co-accused Amarjeet Singh and Raghuveer Singh. The
petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 14.03.2022 and bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner.

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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise, Khagaria in connection with Maheshkhut P.S. Case No. 16 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)

minu/-

U		T	
---	--	---	--

