

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38687 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- HATHAURI District- Samastipur

Jitendra Kumar @ Jitendra S/O Rajveer Singh R/o village- Lahaski, P.S.-
Palimukimpur, District- Aligarh (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 03-01-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 24.04.2021 seeks
regular bail in connection with Hathauri P.S. Case No.55 of
2021 registered for offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

Prosecution case in short is that, informant who is
police official while he was engaged in patrolling a truck was
intercepted bearing registration no.UP16FT6643, the driver
including the petitioner was arrested and 2945.16 liters of illicit



foreign liquor was recovered from the truck.

Learned counsel appearing on behalf of the petitioner submits that he has falsely been implicated in this case. He is only cleaner (Khalasi) of the vehicle and he was not aware that altogether 2945.16 liters of illicit foreign liquor was loaded on the said truck. He was only required to deliver the same to the respective destination for which the vehicle was put. Learned counsel for the petitioner further submits that petitioner has clean antecedent and as such deserves to be released on bail.

Learned counsel appearing on behalf of the State submits that huge quantity of illicit foreign made liquor has been made from the vehicle and the petitioner was present at the time of the said recovery and as such the petitioner is not required to be released on bail, taking into consideration that recently several cases of tragedy has been reported and as such it cannot be said that the said seized liquor is not spurious one and people at large after consumption will die and as such petitioner do not deserves to be released on bail.

Having considered the facts and circumstances of the case and the fact that the owner of the truck bearing registration no.UP16FT6643 has not been made an accused in the present case on whose truck the alleged huge quantity of liquor about



2945.16 liters was recovered, the petitioner being Khalasi was a manual worker on the said truck for the required destination it was booked. He had no knowledge about the huge quantity of liquor which was being carried in clandestine manner, it is directed that the court below after verifying the criminal antecedent of the petitioner and on being satisfied enlarged the petitioner on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lacs Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind-cum-Special Judge (Excise), Samastipur in connection with Hathauri P.S. Case No.55 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) One of the bailor will be the wife of owner of the truck bearing registration no.UP16FT6643. If the wife of owner of the truck do not abide by the order of this Court, then the court below shall take appropriate legal action against her and allow the petitioner to furnish any other solvent sureties with like amount.

(3) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



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

(5) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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

