

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30411 of 2022

Arising Out of PS. Case No.-196 Year-2022 Thana- KANTI District- Muzaffarpur

JITENDRA KUMAR SON OF LATE NAGENDRA RAY Resident of
Village-Dumaria, P.S.-Minapur (Panapur O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 through virtual mode.

The petitioner seeks bail in connection with Kanti
P.S. Case No. 196 of 2022 registered for the offences punishable
under Sections 30(a), 32(I(II)), 36, 41(I), of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 420.75 litres of illicit foreign liquor from the Safari car in
question. The petitioner alongwith others is apprehended on
spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.03.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that no incriminating article has been recovered from the physical possession of the petitioner. Petitioner is neither owner nor driver of the alleged Safari Car. Petitioner has no concern with the co-accused persons in any manner nor with the alleged recovered liquor.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, 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 Special Judge Excise, Court – II, Muzaffarpur in connection with Kanti P.S. Case No. 196 of 2022, 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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