

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35341 of 2022

Arising Out of PS. Case No.-776 Year-2021 Thana- BIHTA District- Patna

JITENDRA KUMAR S/O SHRI DAROGA SINGH Resident of Village-
Basaurha, P.S.- Bihta(Neora), District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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.

The petitioner seeks bail in connection with Bihta
(Neora O.P.) P.S. Case No. 776 of 2021 (Special Excise Case
No. 6612 of 2021) registered for the offences punishable under
Sections 30(a), 38(2), 41 of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 1811.88 litres English wine from the truck in question.
Petitioner and others fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 15.01.2022. 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 the petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C. The petitioner is not apprehended on spot. Name of petitioner has been transpired on the basis of secret information.

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, petitioner is not apprehended on spot, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Excise Judge, Danapur (Patna) in connection with Bihta (Neora O.P.) P.S. Case No. 776 of 2021 (Special Excise Case No. 6612 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)

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