

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37410 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Jitendra Kumar, Son of Bijay Kumar, Resident of Village- Rasoola, P.S.-
Bhelawar (O.P.) Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devi Das Srivastava, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Devi Das Srivastava, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Durgawati P.S. Case No. 108 of 2022 registered for the offence punishable under Section 30(a) Bihar Prohibition & Excise (Amendment) Act, 2018.

As per the prosecution case, in course of vehicle checking, the police intercepted two Bolero Pick-Up vehicles and on search total 119.520 and 137.880 litres of Indian made foreign liquor was recovered, respectively from both the vehicles.



Learned counsel for the petitioner submits that nothing has been recovered from the person or possession of his petitioner. However, only on suspicion, the petitioner was apprehended. He next submits that other co-accused person, having identical allegation, has already granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 35910 of 2022 vide order dated 20.08.2022. He lastly submits that the petitioner, having fair antecedent, is in custody since 02.05.2022, apart from the fact, there is no compliance of Section 100 of the Cr.P.C. in preparation of seizure list.

On the other hand learned APP for the State opposes the bail application.

Regard being had the submissions made on behalf of the parties and considering the fact that the other accused persons has already been granted bail by the learned co-ordinate Bench of this Court and the petitioner, having fair antecedent, is in custody since 02.05.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Court No. II, Kaimur at Bhabua in connection with Durgawati P.S. Case No. 108 of 2022, subject to the condition that one of the bailors



will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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