

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38098 of 2022**

Arising Out of PS. Case No.-269 Year-2022 Thana- BUXAR District- Buxar

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JITENDRA KUMAR SINGH @ JITENDRA SINGH S/O LATE  
SURYANATH SINGH Resident of Village- Kanaknarayanpur, P.S.-  
Buxar(M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Kanhiya Kishore

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      18-08-2022                      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 Buxar  
(M) P.S. Case No. 269/ 2022 registered for the offences  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery  
of 26.80 litre illegal country made wine from the scooty which  
was being driven by the petitioner and he was apprehended on  
the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 22.06.2022 and bears criminal antecedent of five cases of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is neither owner nor driver of the seized scooty. Petitioner has falsely been implicated in this case. Seizure list has not been made as per law.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted 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 Exclusive Special Judge, Excise 1<sup>st</sup>, Buxar in connection with Buxar (M) P.S. Case No. 269/ 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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