

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39578 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MOTIPUR District- Muzaffarpur

JITENDRA SAH Son of Rijhan Sah Resident of village - Salempur, P.S.-
Rajepur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Motipur P.S. Case No. 80 of 2021 registered for the alleged offences under Sections 272, 273, 120(B) of Indian Penal Code and Sections 30(a), 34, 36, 41(1) (2) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about co-accused persons manufacturing country-made *chulai* liquor and a raid was conducted at an identified place and from near the hut of co-accused of Manoj Sahni, about 50



litres of country made liquor was recovered. The villagers told about the name of the petitioner who has been supplying the raw material for manufacturing the illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He was apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The police has not named the person and the person who named this petitioner, might be having enmity with him. Moreover, the recovery has been made from an open place. The petitioner has no concern with the said place. The petitioner is not connected with other co-accused persons in any manner. Similarly situated co-accused namely Manoj Sahni and Lakhindra Sahni have been granted anticipatory bail by Coordinate Benches vide order dated 18.05.2022 and 14.06.2022 passed in Cr. Misc. No. 63465 of 2021 and Cr. Misc. No. 71573 of 2021, respectively. The case of the petitioner is on better footing. The petitioner is in custody since 20.04.2022 and charge sheet has been submitted. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and considering the nature of allegation which is vague and further



considering the clean antecedent of petitioner along with submission of charge sheet and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 80 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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