

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49310 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- CHANDRAMANDI District- Jamui

JITENDRA KUMAR ROY @ JITENDRA KUMAR Son of Sudhir Prasad
Roy Resident of Village- Roydih, P.S.- Jasidih, District- Deoghar (Jharkhand).

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate.

For the State : Mr. Satyadeo Singh Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 08-02-2022 The applicant/accused in Crime No.83 of 2020 registered with Police Station-Chandramandi for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during the pendency of the trial.

The applicant was given out of turn hearing on the ground of kidney ailment of his father regarding which the prosecution was also given due opportunity to verify the genuineness of such contention.

Heard .

The learned counsel appearing for the applicant argued that though the applicant is the owner of the car in which liquor was found, he is not aware about the fact as to how the liquor



came in his car. It is further argued that the applicant is having clean antecedents.

The learned A.P.P. opposed the application by contending that the vehicle is a private vehicle which cannot be given on hire to any body else and therefore it is the duty of the applicant to justify how the vehicle owned by him was containing 217.625 liters of Indian Made Foreign Liquor.

I have considered the submissions so advanced and also perused the materials placed before me.

The police had intercepted the subject car but inmates of that car were successful in fleeing away. The said car owned by the applicant was found to be containing Indian Made Foreign Liquor as well as country made liquor of 217.625 liters quantity.

The investigation of the subject crime is over. The applicant is reported to be a person having clean antecedent. He has already undergone pretrial detention during the course of investigation of the subject crime. Hence, I see no reason to refuse bail to the applicant and therefore the following orders:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No.83 of 2020 registered with Police Station-Chandramandi for the offences



punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, be released on bail on executing P.R. bond of Rs.10000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith



and the Registry to issue the certified copy of this order only
after removal of office objections by the applicant/accused.

(A. M. Badar, J)

P.S./-

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