

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40067 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MINAPUR District- Muzaffarpur

JITENDRA KUMAR Son of Kishore Bhagat @ Jay Kishor Bhagat Resident
of Village- Panapur, P.S.- Meenapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-08-2022 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 Minapur
P.S. (Panapur O.P.) Case No. 161/2022 registered for the
offences punishable under Sections 414, 272, 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery of
total 194.540 liters foreign liquor from three vehicles in
question. Apprehended co-accused, Sanjay Bhagat disclosed the
name of petitioner and others who engaged in delivering the
illegal liquor.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case dirty local politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the seized vehicles in question. The petitioner is not involved in business carrying of illicit liquor and has not concerned with the alleged seized liquor. The petitioner is languishing in custody since 29.05.2022 and bears criminal antecedent of three cases out of which one case is of similar nature and in all cases he is on bail. Learned counsel for the petitioner specifically submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted in this case 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 Court-1, Muzaffarpur in connection with Minapur P.S. (Panapur O.P.) Case No. 161/2022, 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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