

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55360 of 2021

Arising Out of PS. Case No.-158 Year-2021 Thana- GANGABRIDGE District- Vaishali

JITENDRA RAI Son of Surendra Ray Resident of Village - Litiyahi, P.S.-
Raghopur (Rustampur OP), District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 158 of 2021 registered for the offence under Sections 467, 468, 471, 420, 120(B) and 30(a), 36 41(1) of Bihar Prohibition and Excise Act.

Recovery is of 3060.720 liters of IMFL

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered



from the conscious possession of the petitioner rather the alleged recovery has been made from one truck and a pick up van. Neither the petitioner has been arrested from the spot nor the alleged vehicles belong to the petitioner. The petitioner has been made accused in this case on the basis of confessional statement of the co-accused, who happens to be driver of the alleged vehicle. This petitioner has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 07.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner owns twelve cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge -II -cum- Special Judge, Excise Court, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 158 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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