

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46142 of 2022

Arising Out of PS. Case No.-353 Year-2022 Thana- DARIYAPUR District- Saran

JITENDRA KUMAR Son of Chadeshwar Rai Resident of village - Pojhi
Dakshin Tola, P.S. - Derani, District - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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
Dariyapur P.S. Case No. 353 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 200 litres country made liquor from the Tempo in question.
The petitioner is alleged to be the driver of the said Tempo.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.06.2022. Petitioner bears no
criminal antecedent. Learned counsel further submits that the



petitioner is neither driver nor owner of the said vehicle. Nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from Tempo in question. Petitioner has no knowledge regarding the illicit liquor kept in Tempo as the petitioner is one of the passengers of the said Tempo.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 353 of 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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