

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48467 of 2022

Arising Out of PS. Case No.-152 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

Jitendra Rai Son Of Shri Madan Roy, R/O Village- Matanpura, P.S.-
Bhagwanpur Hatt, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Bhagwanpur Hatt P.S. Case No. 152 of 2018 lodged under
Sections 272, 273, 308 and 420 of the I.P.C. and sections 30(a)
and 41(1) of the Bihar Excise Act (New).

As per prosecution case, total recovery of 1746 liters
of wine is the subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that nothing was recovered from the possession of the
petitioner. He also submits that petitioner was not apprehended

from the place of occurrence. In the F.I.R. itself it has been alleged that petitioner was fled away from the place of occurrence. Counsel further submits that petitioner is in custody since 06.10.2021 and there were two criminal cases pending against the petitioner and he is on bail in one case and in another case he is persuading for bail. He further submits that the person who was running the container(truck) was apprehended by the police in which total 1287 liters of wine were found loaded, the said driver has been granted bail by the Co-ordinate Bench of this Court vide order dated 17.07.2019 passed in Cr. Misc. No. 39264 of 2019.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.Ist., Siwan in connection with Bhagwanpur Hatt P.S. Case No. 152 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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