

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59622 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- BENIPATTI District- Madhubani

JITAN PANJIYAR S/o VIPAT PAJIYAR R/o VILLAGE-MUKHIYA PATTI,
P.S- SAHARGHAT, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Benipatti P.S. Case No. 257 of 2020, G.R. No. 1138 of 2020 registered for the offences punishable under Sections 272, 273 of the IPC and 30(a) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 765 litres of illicit liquor from a pickup van.

Learned counsel for the petitioner submits that petitioner has committed no offence and he has falsely been



implicated in the present case only on the basis of suspicion. Petitioner was not apprehended at the spot. The name of the petitioner has been transpired only on the basis of information given by the villagers. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from one pickup van. He further submits that neither the pickup van nor the alleged recovery belong to the petitioner. The police after investigation submitted charge sheet against the petitioner. Petitioner is in custody since 31.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-2nd cum Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 257 of 2020, G.R. No. 1138 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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