

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59750 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- MANIYARI District- Muzaffarpur

JITENDRA RAY S/o RAMDENI RAY R/o VILLAGE-CHAKMEHSI, P.S-
MANIYARI, DISTRICT-MUZAFFARPUR, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

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 Maniyari P.S.
Case No. 47 of 2020 registered for the offences punishable
under Sections 272, 273, 290, 34 of the IPC and Sections 30(a),
34, 36, 41, 56(d) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 2655.750 litres of illicit foreign
liquor from a truck.

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



implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner was not apprehended at the spot. Petitioner is neither driver nor khalasi of truck in question. The seized truck does not belong to the petitioner. He further submits that co-accused Damodar Ray has been granted bail by a co-ordinate Bench of this court vide order dated 30.06.2021 passed in Cr. Misc. No. 16775 of 2021. Petitioner is in custody since 06.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two 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 Special Judge, Excise, Muzaffarpur in connection with Maniyari P.S. Case No. 47 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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