

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62208 of 2021**

Arising Out of PS. Case No.-513 Year-2020 Thana- KANTI District- Muzaffarpur

=====

JITENDRA RAI @ JITENDRA KUMAR YADAV @ JIYENDRA KUMAR  
RAI Son of Suraj Rai Resident of Village- Madhuban Pakari, P.S.- Kanti,  
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Priyesh Kumar, Advocate  
For the State : Mr. Ajay Kumar Jha, APP

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL ORDER**

3      08-08-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kanti P.S. Case No. 513 of 2020 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 7240 liters of spirit was made from a bolero vehicle and the place where it was parked. The petitioner and other co-accused persons allegedly fled away from the spot.



Learned counsel for the petitioner submits that earlier this bail petition of the petitioner was rejected vide order dated 06.07.2021 passed in Cr. Misc. No. 2019/2021. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner who was not apprehended from the spot. The vehicle in question does not belong to this petitioner from which recovery is alleged to be made. There is no eye witness and the petitioner is in custody since 29.09.2020. Learned counsel further submits that though the petitioner is having criminal antecedent but he is on bail on all such cases.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that this petitioner is a habitual offender and his bail has been rejected on the last occasion taking into consideration this fact.

Perused the records.

Having regard to the submissions made on behalf of the parties and further considering the fact that the trial is still at the stage of recording of evidence of prosecution witness as appears from the report submitted by the learned trial court though the trial court was directed to expedite the trial and hence considering the period of custody of this petitioner, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur in connection with Kanti P.S. Case No. 513 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not commit similar type of offences in future.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Gautam/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

