

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61943 of 2021**

Arising Out of PS. Case No.-78 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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Jitendra Kumar S/O Baleshwar Rai R/O Village-Ramanand Nagar
(JAGDISHPUR), P.S-Neema Chainpur, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Adv

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 03-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise Complaint Case No.78 of 2021, registered for the offence under Sections 30(a)(d), 30(f) and 32(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

180 liters of illicit foreign liquor alongwith 100 liters of sprit and labels which is used to paste on bottles were recovered from one Tata Winger vehicle.

Learned counsel appearing for the petitioner submits



that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the vehicle in question and the petitioner is neither the driver nor the owner of the vehicle in question and the petitioner is in custody since 11.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 learned Additional District and Sessions Judge-II, Banka in connection with Excise Complaint Case No.78 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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