

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58541 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Jitan Ram @ Jittan Ram, Son of Satan Ram, Resident of Village- Premraj,
P.S.- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Hajipur Excise P.S. Case No. 165 of 2022
registered for the alleged offences under Sections 30(a),
32(1),32(3), 36, 41(1) and 41(2) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, petitioner was apprehended
with his vehicle and from this vehicle 1470.240 litres of India
made foreign liquor was recovered.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Petitioner is merely a driver and has no knowledge about the consignment loaded in the said vehicle. Nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the vehicle from which the recovery has been made or the allegedly seized illicit liquor. There is no independent witness to the search and seizure. The petitioner is in custody since 06.08.2022 and the prosecution report has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of prosecution report against him, 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 Exclusive Special Excise Court No.-2-cum-Additional District and Sessions Judge, Hajipur, Vaishali in connection with Hajipur Excise P.S. Case No. 165 of 2022, 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 a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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)

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