

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16811 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- PATNA CITY CHOWK District- Patna

Jitendra Kumar Son Of Raj Kumar Rai Resident Of Village- Sukumarpur , Ps-
Raghopur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail, who is in custody since
20.01.2023, in connection with Chauk P.S. Case No. 30 of 2023,
F.I.R. dated 19.01.2023 registered for the offences punishable
under Sections 30(a) of the Bihar Excise Amendment Act, 2022.

Recovery is of 90 litres of illicit liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that nothing illicit
liquor has been recovered from the conscious possession of the



petitioner rather recovery has been made near the public toilet and near the house of co-accused person namely Jaikant Rai. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the co-accused person and the motorcycle belongs to his brother namely Ramakant Rai. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Special Judge Excise, Patna City, Patna in connection with Chauk P.S. Case No. 30 of 2023, 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 witness, 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 antecedents, 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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