

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23398 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- KHAGARIA District- Khagaria

JITENDRA KUMAR Son of Sanjay Sharma Resident of village-Tribhuvan
Tola Ghusmuni Bishupur, P.S.-Miffasil, District-Khagariya.

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar
For the Opposite Party/s : Mrs.Pushpa Sinha. I

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Khagariya (Muffasil) P.S. Case No. 315/2022 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 5139 liters foreign liquor from one truck and one Bolero
pick up van in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Petitioner is not named in the FIR and the name of
petitioner transpired in this case on the basis of confessional
statement of co-accused Tunna Kumar. Nothing has been



recovered from the conscious possession of the petitioner. He further submits that the petitioner has neither concerned with the said vehicles nor concerned with the seized liquor. The petitioner is languishing in custody since 23.01.2023 and bears no criminal antecedent. He further submits that on similar allegation co-accused Kumkum Devi, Jangali Patel, Vikash Kumar Sharma and Amit Malakar have already been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No.2061/2023, Cr. Misc. No.60104/2022, Cr. Misc. No.59609/2022 and Cr. Misc. No.40752/2022 respectively (as mentioned at Annexure-2 Series of the bail petition) and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise



Judge-1, Khagariya in connection with Khagariya (Muffasil)
P.S. Case No. 315/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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