

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37313 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- MUSRIGHRARI District- Samastipur

JITENDRA KUMAR (NANHO) @ JITENDRA KUMAR @ NANHE @
JITENDRA SON OF NANDKISHOR SINGH @ NAND KISHOR SINGH
RESIDENT OF VILLAGE - BAGHI, P.S. - SAMASTIPUR (M), DISTRICT
- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-07-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Musarigharari P.S. Case no. 9 of 2023 registered under sections 30(a), 32, 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, a truck loaded with a total of 883.08 litres of liquor was seized and four named accused persons were caught at the place of occurrence. One of the accused who was caught disclosed the name of the petitioner as the person who along with others were dealing in illicit liquor.

4. Learned counsel for the petitioner submits that from the contents of the FIR itself it would transpire that neither



the petitioner was arrested at the spot nor any incriminating article has been received from his possession. The cause of his false implication is his antecedents as has been mentioned in paragraph no. 3 of the petition. The petitioner undertakes to cooperate in the investigation and the trial.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot and his name having transpired in the confessional statement of a co-accused made before police, in the event of his arrest or surrender within four weeks, the petitioner be enlarged on bail in connection Musrigharari P.S. Case no. 9 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned Special Excise Judge I, Samastipur subject to the conditions stipulated under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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