

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39120 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- MAHUA District- Vaishali

JITENDRA KUMAR Son of Rajendra Singh Resident of village - Mirja
Nagar, P.S. - Mahua, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Mahua Police Station Case No. 157 of 2023, dated 18.03.2023, disclosing offence under Sections 272/273/414/34 of the Indian Penal Code and Sections 30(a)/32(ii)/41(i) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner along with other accused persons have stored illicit liquor in a mango orchard situated at Mirja Nagar High School, arrived at the place of occurrence and recovered 387.345 liters of illicit liquor and on arrival of the police party, accused



persons fled away. Upon enquiry, the police came to know that the persons who fled away from the place of occurrence were Jitendra Kumar and his associates.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information and no illicit liquor has been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. He next submits that liquor has been recovered from the public place which is open and accessible to all and sundry.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and/or from premises belonging to him, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 the learned Additional District and Sessions Judge-cum-Exclusive Special Prohibition and Excise Court II,



Hajipur, Vaishali, in connection with Mahua Police Station Case
No. 157 of 2023, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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