

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40132 of 2023

Arising Out of PS. Case No.-460 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Jitendra Kumar @ Jitendra Kumar Rai Son of Basudeo Rai, Resident of
Village- Jitwarpur Chouth Dih, Police Station -SAMASTIPUR Muffasil,
District -SAMASTIPUR, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with
Samastipur (Muffasil) P.S. Case No. 460 of 2021 dated
14.11.2021 registered for the offences punishable under
Sections 414, 467, 468 and 471 of Indian Penal Code and
Sections 30(a), 41(1), 41(2) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
5302.44 litres of country-made foreign liquor from two pick up
vehicles, one Maruti car, one Bolero vehicle and one motorcycle
and as per allegation 22 to 25 persons were found to be engaged
in unloading of the alleged liquor from a truck and loading the

same in the said other vehicles but admittedly, the petitioner was not apprehended at the spot and his name came into light in the disclosure made by the police chowkidar and other co-accused persons namely, Devendra Mahto, Lukshi @ Pankaj Kumar and Ravindra Kumar @ Langra who are named in the FIR and carrying similar nature of allegations have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. No. 9249 of 2022, Cr. Misc. No. 24603 of 2022 and Cr. Misc. No. 35603 of 2022 respectively and one co-accused namely, Surendra Ray who is stated to be the owner of one of the seized vehicle has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 8270 of 2022 and the petitioner has no concern with any of the seized vehicles. Further submissions are that as per the prosecution, the police chowkidar identified this petitioner and other accused persons in light of torch, which is not believable, though, against the petitioner there are criminal antecedents of 3 cases in which he is on bail and moreover, the said cases relate to the offences of IPC and SC/ST Act and petitioner has been languishing in jail since 14.03.2023 and against him the investigation has been completed.

4. Learned APP for the State opposes the bail prayer of the

petitioner.

5. Considering the above submissions and mainly the privilege of bail to the above mentioned co-accused persons having been granted by different Benches of this Court and also the fact that the petitioner was not apprehended at the spot and he has taken a plea that he is not owner of any of the seized vehicles and against him the investigation has been completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with **Samastipur (Muffasil) P.S. Case No. 460 of 2021.**

(Shailendra Singh, J)

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