

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45283 of 2023

Arising Out of PS. Case No.-303 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

JITENDRA BIN @ JITENDRA BIND SON OF SHEO SHANKAR
PRASAD RESIDENT OF VILLAGE- CHANAUR, PS- DHANUTI OP,
DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.05.2023 in connection with Siwan Muffasil (Dhanuti OP)
P.S. Case No. 303 of 2023, F.I.R. dated 04.06.2023 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

3. Recovery is of 61 liters 400 Ml illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case merely on the basis of suspicion. Further
submits that nothing has been recovered from conscious
possession of the petitioner and the petitioner was not arrested



at the spot and it appears from the seizure list that the recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question and the petitioner is in custody since 20.05.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case.

6. Considering the aforesaid facts, nothing has been recovered from possession of the petitioner, let the petitioner, above named, 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 learned Exclusive Special Excise Court No.2, Siwan in connection with Siwan Muffasil (Dhanuti OP) P.S. Case No. 303 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedent, 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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