

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53402 of 2023

Arising Out of PS. Case No.-508 Year-2023 Thana- FATUA District- Patna

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JITENDRA KUMAR SINGH @ JITENDRA KUMAR @ JITENDRA
SINGH S/O LAXMAN SINGH R/O VILLAGE- BARKHASAR @
BAKHASAR, PS. BARKHASAR @ BAKHASAR, DIST. BARMER
(RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 07.07.2023 seeks
bail, in connection with Fatuha P.S. Case No. 508/2023, dated
06.07.2023, for the offences punishable under Sections 30(a),
32(ii)(iii), 36, 41(i)(ii) of Bihar Prohibition and Excise Amended
Act, 2022 and Sections 467, 468, 420/34 of the IPC.
3. According to prosecution case, 11415.960 litres of
foreign liquor has been recovered from the truck of the
petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from bare



perusal of the F.I.R. as well as seizure list, it appears that altogether 11415.960 litres of foreign liquor has been recovered from the two truck in question and apart from that medicine, mobile and cash have also been recovered from two trucks in question out of which 6105.6 litres of liquor has been recovered from the truck bearing registration no. GJ08Y 2568 and the petitioner was arrested from the said truck in which he was driver and consignment (illicit liquor) was not loaded in presence of the petitioner, so, he has no knowledge about the illicit liquor. The petitioner is in custody since 07.07.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City in connection with Fatuha P.S. Case No.508/2023, subject to the following conditions:-

1. one of the bailor should be the father of the petitioner namely Laxman Singh, R/o Barkhasar @ Bakhasar,



P.S. Barkhasar @ Bakhasar, District-Barmer (Rajasthan).

2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. 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.

4. 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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