

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 58123 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

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Jitu Kumar @ Jitu Yadav S/O Ganesh Rai @ Ganesh Yadav Resident Of
Village- Dhudhuan, Ps- Ara Muffasil, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashray Roy, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ara Muffasil P.S. Case No. 164 of 2023 dated 15.04.2023,
instituted for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the case of prosecution, 240 litres illicit
liquor has been recovered from two tempo vehicles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that only on the basis of confessional
statement of co-accused, namely, Shambhu Yadav, the petitioner
has been made accused in this case. It is also submitted that
nothing has been recovered from the conscious possession of



the petitioner. It is further submitted that petitioner has not been arrested from the spot. Neither he is the owner nor the driver of the said tempo vehicles. Lastly, it has been submitted that he has three criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Ara Muffasil P.S. Case No. 164 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1/C Exclusive Special Excise Court No. 1, Bhojpur, Ara, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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