

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64930 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- MEHANDIA District- Jehanabad

1. Jitendra Ray S/O Pradip Ray R/O Village- Mohanpur, P.S- Raghopur, District - Vaishali.
2. Kunal Kumar S/O Niranjana Ray R/O Village- Patna City Katra Bazar, P.S.- Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Mehendiya P.S. Case No. 88 of 2023, registered on 07.04.2023 for the offences under Sections 420, 467, 468, 471 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, police recovered 4905 litres of India made foreign liquor from a truck and a number of co-accused persons were apprehended who were travelling on the truck and also from a Scorpio vehicle doing work of liner.



The apprehended co-accused Lokesh Kumar disclosed the name of the petitioners along with other co-accused persons for being involved in illicit trade of liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioners have been made accused in this case along with large number of co-accused persons and police without investigation falsely implicated the petitioners in the present case. No recovery has been made from the person or possession of the petitioners and the truck from which the recovery has been made has nothing to do with the petitioners, who were neither present at the place of occurrence nor were connected in any manner with the alleged occurrence. Petitioners have got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of the allegation against the petitioners without any substantive material against them, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge-II, Excise, Jehanabad/concerned court in connection with Mehendiya P.S. Case No. 88 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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