

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65393 of 2023

Arising Out of PS. Case No.-335 Year-2023 Thana- ATRI District- Gaya

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1. JITENDRA KUMAR S/O CHANDRIKA YADAV R/O VILLAGE- PIYAR NARAWAT, P.S- ATRI, DISTT.- GAYA.
 2. ROHIT KUMAR @ RAJU SINGH @ RAJA S/O RAMVIJAY KUMAR @ RAMVIJAY SHARMA R/O VILLAGE- SIDH, P.S- ATRI, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Atri P.S. Case No. 335 of 2023 dated 17.07.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on secret information, police intercepted the Maruti car and the motorcycle and the drivers of the said vehicles fled away from the spot. On search, total 52.500 litres of illicit foreign liquor was recovered from the Maruti car and the house of the petitioner Rohit Kumar.

4. Learned counsel for the petitioners has submitted



that the petitioners have falsely been implicated in this case. It is further submitted that the name of the petitioners was disclosed in this case by local *Chowkidar*. No incriminating article has been recovered from the possession of the petitioner no. 1 whereas the recovery has been made from the house of petitioner no. 2 which is a joint house and other persons have been residing in that house. The petitioner no. 1 is accused in two other criminal cases whereas the petitioner no. 2 has also accused in three other criminal cases as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no. 1 Jitendra Kumar, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Gaya in connection with Atri P.S. Case No. 335 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the petitioner no. 2 Rohit Kumar, I am of the view that no case for grant of anticipatory



bail is made out. The petition is rejected and the petitioner no. 2 Rohit Kumar is directed to surrender to the Court below within six weeks from the date of this order and the Court below shall consider the prayer of bail of the petitioner on the same day without being prejudiced by this order.

(Chandra Prakash Singh, J)

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