

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68698 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- DHANSOI District- Buxar

1. Jitendra Singh @ Neta, Male, aged about 36 years, S/O Dashrath Singh, R/O Village- Chiraiyatand, P.S- Dhansoi, Distt.- Buxar.
2. Kamlesh Singh @ Kamlesh Kumar, Male, aged about 29 years, S/O Late Ramlakhan Singh, R/O Village- Chiraiyatand, P.S- Dhansoi, Distt.- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate

For the Opposite Party : Mrs. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-11-2023 Learned counsel for the petitioners seeks permission to withdraw the prayer for grant of anticipatory bail on behalf of the petitioner no. 1, namely, Jitendra Singh @ Neta in connection with Dhansoi P.S. Case No. 121 of 2023, pending in the court of learned Exclusive Special Judge, Excise-I, Buxar.

2. Permission is accorded.

3. Accordingly, the prayer for grant of anticipatory bail on behalf of the petitioner no. 1, namely, Jitendra Singh @ Neta, is dismissed as withdrawn.

4. Learned counsel for the petitioner no. 2 is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.



5. Heard learned counsel for the petitioner no. 2 and learned Additional Public Prosecutor for the State.

6. The petitioner no. 2 is apprehending his arrest in connection with Dhansoi P.S. Case No. 121 of 2023 dated 11.08.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

7. As per the prosecution case, total 171 litres of county made liquor was recovered from the house of the co-accused Jitendra Singh @ Neta.

8. Learned counsel for the petitioner no. 2 has submitted that he is innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious possession. It is submitted that the alleged recovery of liquor was made from the house of the co-accused Jitendra Singh @ Neta. The petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application. There is no compliance of Section 100 of Cr.P.C. No case is made out against the petitioner no. 2.

9. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner no. 2.

10. Considering the aforesaid facts and circumstances



of the case, let the above named petitioner no. 2, namely, Kamlesh Singh @ Kamlesh Kumar (except petitioner no. 1, namely, Jitendra Singh @ Neta) in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Dhansoi P.S. Case No. 121 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

11. The application stands allowed.

(Chandra Prakash Singh, J)

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