

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70494 of 2022

Arising Out of PS. Case No.-277 Year-2016 Thana- VAISHALI District- Vaishali

JITENDRA S/O AZAD SINGH Resident of village- Purani SBI Bank
Waligali, Mundaka, P.S.- West Delhi, District- Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-01-2023 Heard the parties.

The case is registered under sections 30(a), 32(2),41(1) of Bihar Prohibition and Excise Act, in connection with Vaishali P.S. Case No. 277 of 2016.

Earlier the petitioner had moved before this Court vide Cr. Misc. No. 71420 of 2021 which was rejected on 26.5.2022.

The prosecution story, in brief, is that the police got information that large consignment of illegal foreign made liquor has arrived on a six wheeler truck raided the said place and recovered altogether 2079.36 liters of IMFL.

The petitioner is the owner of the truck and earlier his bail application was rejected as he had evaded arrest for five long years.



Learned counsel for the petitioner submits that how he has already suffered by being in custody since 30.7.2021.

In view of the fact that the petitioner has remained in custody since 30.7.2021 (as stated in para-10 of the bail application) and will ensure his presence in course of the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Court Excise, Vaishali at Hajipur, in connection with Vaishali P.S. Case No. 277 of 2016 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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