

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1745 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- NADI P.S. District- Patna

JITTU KUMAR S/o Shyam Babu Rai @ Shyam Babu R/o Village- Maujipur,
P.S.- Fatuha, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-01-2023 This case is listed for hearing out of turn on account of mentioning that Intermediate examination of the petitioner is going to be commenced on 01.02.2023.

Heard Ld. counsel for the petitioner and Ld. APP for the State.

The petitioner seeks bail in connection with Nadi P.S. Case No. 393 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 65 litres of country made liquor was recovered from a tempo bearing Registration No. R2M2257726.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr.P.C. He further submits that petitioner is neither the owner nor the driver of the vehicle.

He further submits that the petitioner has been languishing in jail since 12.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in



the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Spl. Judge, Excise, Patna in connection with Nadi P.S. Case No. 393 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of



the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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