

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29831 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- KAUWAKOL District- Nawada

Jitu Kumar @ Jitendra Kumar @ Jitendra Yadav S/O Ramdeo Yadav R/O
Village- Pali, P.S- Kawakole, Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kawakole P.S. Case No. 410 of 2023, registered on 07.07.2023, for the offences under Sections 30(a)/41 of Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received information about petitioner and other co-accused persons transporting illicit liquor on a motorcycle and Maruti car. Police went to verify the information and found two persons riding a motorcycle and one of them was apprehended and another person made his good escape. Subsequently, the police found that on seeing the police vehicle, a car stopped and from the said car, three persons started fleeing and one of them was



apprehended and two persons fled away taking advantage of darkness. The apprehended co-accused Pawan Kumar disclosed the name of petitioner as one of the escaped persons and from the Maruti car recovery of 150 litres of country made *Mahua* liquor was made.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is on inimical term with co-accused Pawan Kumar, who has disclosed the name of petitioner in his confessional statement. Nothing incrimination has been recovered from the conscious possession of the petitioner and neither the motorcycle nor the recovered Maruti car belonged to the petitioner. The petitioner has got no criminal history.

05. Learned APP opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his 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.00,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court-2, Nawada/concerned court in connection with Kawakole P.S. Case No. 410 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 petitioner.
- (ii) The petitioner 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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