

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37509 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- NAVINAGAR District- Aurangabad

Jitendra Rajwar s/o Late Sita Ram Rajwar r/o Village- Tetriya, P.S.-
Nabinagar, Dist- Aurnagabad(Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Nabinagar P.S. Case No. 96 of 2024 registered for the alleged offences under Section 30(a), 37 of the Bihar Prohibition & Excise (Amendment) Act, 2018.

03. As per prosecution case, police received secret information about sell of illicit liquor near the banks of river Magdahor. A raid was conducted and four persons started fleeing on seeing the police party and three of them were apprehended and from their possession 11.05 liters of country made liquor was recovered. Co-accused Pintu Chouhan disclosed the name of the petitioner, who fled away from the spot on seeing the police party.



4. Learned counsel for the petitioner submits that the petitioner is innocent has been falsely implicated in this case. Except for confessional statement of co-accused there is nothing against the petitioner. Nothing incriminating has been recovered from person or possession of petitioner and except for the statement of co-accused, there is no material against the petitioner to connect him with the offences as alleged. Merely on suspicion the petitioner has been named in this case. Learned counsel further submits that the petitioner was having no criminal antecedent prior to lodging of the present case but on the same day Nabinagar P.S. Case No. 95 of 2024 has been registered against the petitioner and the present case is Nabinagar P.S. Case No. 96 of 2024.

5. Learned APP for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegation, no recovery from the conscious possession of the petitioner and further considering the possibility of false implication, let the petitioner named above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Special Judge, Excise Court-I, Aurangabad, Bihar, in connection with Nabinagar P.S. Case No. 96 of 2024, subject to the condition 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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