

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43491 of 2024

Arising Out of PS. Case No.-711 Year-2021 Thana- KHAGARIA District- Khagaria

Jitendra Kumar Singh @ Jitendra Singh S/O Ram Parbesh Singh R/o Village-
Malpur Urf Dilwarapur, P.S.-Patepur(Wrongly mentioned in F.I.R. P.S.--
Fatehpur), District-Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Sudha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Khagaria
(Muffasil) P.S. Case No. 711 of 2021, registered under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2934 liters
liquor was recovered from a container bearing Registration No.
UP21N-5111.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is submitted
that the petitioner is neither owner nor driver of the container



and name of the petitioner has transpired on the basis of confessional statement made by co-accused Ajay Kumar Yadav which has no evidentiary value. The petitioner has got three criminal antecedents in which the petitioner is on bail in two cases. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection withKhagaria (Muffasil) P.S. Case No. 711 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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