

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50230 of 2024

Arising Out of PS. Case No.-282 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Jitendra Singh S/o Jainath Singh, R/o 106, Ashok Rajpath Harish Chandra
Nagar Sipara Police Station -Lohiya Nagar, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar S.K., Advocate.

For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Ramkrishna Nagar P.S. Case No.282 of 2024 instituted
under Sections 30(a), 32(2), 32(3), 41(1) of the Bihar Prohibition
and Excise (Amendment) Act.

3. As per the prosecution case, total 87.75 litre foreign
liquor has been recovered from a bus bearing Registration No.
BR 01 PC-2642.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this case
on the basis that he is the *khalasi* of the seized bus. He further
submits that the seizure list has not been prepared at the place of
occurrence. Learned counsel submits that there is no independent
witness of the seizure list and there is violation of mandatory
provision with respect to seizure. He further submits that



petitioner has no concern with the alleged recovery of wine which was alleged recovered from the dicky of the bus. Learned counsel submits that similarly situated co-accused person has already been granted bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No.41077 of 2024. He further submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Judge, Excise-II, Patna in connection with Ramkrishna Nagar P.S. Case No.282 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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