

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51771 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- WARISNAGAR District- Samastipur

JITENDRA KUMAR @ JITENDRA S/O RAM KISHORE RAY @ RMA
KISHOR RAY Resident of vill- Bhola Tole, Ward no 06 Dinmanpur, P.S-
Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Warisnagar
P.S. Case No. 98 of 2023, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. Altogether 6633.360 litres of illicit liquor has been
recovered from a truck and a pick up van. Seeing the police
party, all the accused persons started fleeing away and finally
succeeded in the same.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. No incriminating article has been recovered from the
conscious physical possession of the petitioner rather 6633.36



liters of illicit liquor is said to have been recovered from a truck and a pick up van. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor or the seized vehicles. The allegation levelled against the petitioner is totally false and based on concocted facts. Petitioner has been falsely implicated in this case at the instance of his enemy. His name has been transpired in the present case because of his criminal antecedent. He was not apprehended on the spot. He had not consumed liquor. Similarly situated co-accused has been enlarged on anticipatory bail by this Court. Petitioner has two criminal antecedents out of which one is of similar nature of the offence. He is in custody since 26.06.2024, as mentioned in para 3 of the supplementary affidavit.

5. Petitioner is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Warisnagar P.S. Case No. 98 of 2023, subject to the further conditions that the

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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