

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62188 of 2024

Arising Out of PS. Case No.-284 Year-2024 Thana- GOPALPUR District- Patna

=====

Jitendra Singh Late Mundrika Singh village-sampatchak, behind sampatchak
Block, Ps- Gopalpur, dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjit Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard Mr. Rajnit Prasad, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Gopalpur P.S.
Case No. 284 of 2024 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. The police, on a tip off selling illicit wine, reached
at the spot near Sampatchak pond. However noticing the police
party one person tried to flee away, after throwing his sack, who
was later on apprehended and he disclosed his name Jitendra
Singh (petitioner). On search, total 34 litres country made wine
was recovered.



4. Learned Advocate for the petitioner contended that in fact on the alleged date of occurrence, the police in course of patrolling apprehended the petitioner on suspicion. It is next contended that the recovery has been made from an open place which is easily accessible to all. Moreover, the petitioner bears fair antecedent and now he has been incarcerated since 16.07.2024. Drawing the attention of this Court to search and seizure memo, it is further contended that the witnesses are none-else but the police personnel and as such there has been defiance of Section 100 of the Cr. P.C.

5. On the other hand, learned APP for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, moreover the investigation of the crime is complete and the petitioner has been incarcerated since 16.07.2024, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise II, Patna in connection with Gopalpur P.S. Case No. 284 of 2024, subject to the condition that one of the bailors



shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

