

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66862 of 2024

Arising Out of PS. Case No.-435 Year-2022 Thana- SUGAULI District- East Champaran

Jitedra Roy @ Jitendra Yadav @ Jitendra Ray S/o Gorakh Rai @ Gorakh Yadav R/o village- Bhaisada Bela , P.S- Ramgarhwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-09-2024

1. Heard the parties.

2. This application, for grant of regular bail, arises out of Sugauli P.S. Case No. 435 of 2022 dated 02.10.2022 registered under Sections 272, 273 of the I.P.C. and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the F.I.R. the Police on the basis of secret information arrived at the place of occurrence and recovered 10 liters of country made chulai liquor from a hutment. It is alleged that petitioner succeeded in fleeing away.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and the local Chowkidar with ulterior motive implicated the petitioner in false case. He further submits that petitioner was



not arrested from the spot. The illicit liquor in question has not been recovered from the conscious possession and/or premises belonging to the petitioner. He next submits that petitioner is not the owner of the hutment or the land from where the illicit liquor has been recovered. The Police did not follow the procedures prescribed for search and seizure as contemplated under Section 100 Cr.P.C. He further submits that petitioner is in custody since 20.07.2024.

5. Regard being had to the submission made by the parties, taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and petitioner is not the owner of the hutment or the land from where the liquor has been recovered, I am inclined to grant regular bail to the petitioner.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran at Motihari, in connection to the Sugauli P.S. Case No. 435 of 2022 dated 02.10.2022, disclosing offences under Sections 272, 273 of the I.P.C. and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.



9. This is subject to the condition that the petitioner shall present before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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