

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80969 of 2024

Arising Out of PS. Case No.-215 Year-2024 Thana- ITARHI District- Buxar

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Jitendra Bhar @ jitendra Ray Son of Bihari Bhar Resident of Village-
Dihariya, P.S.- Itarhi, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Itarhi P.S. Case No. 215 of 2024 dated 29.09.2024, instituted for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 2.2 litres of illicit
liquor from the under constructed house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner was not arrested at
the spot. The petitioner has been made accused in this case only
on the basis of statement of local Chaukidar namely Rajendra
Yadav. It is next submitted that no incriminating article has been



recovered from the conscious possession of the petitioner. It is further stated that the alleged house from where illicit liquor was recovered is under construction where neither petitioner nor his family members resides and as such, petitioner had no knowledge regarding alleged recovered liquor. Lastly, it has been submitted that petitioner has six criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Itarhi P.S. Case No. 215 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No.- 1, Buxar, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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