

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9642 of 2025

Arising Out of PS. Case No.-235 Year-2024 Thana- KALUAHI District- Madhubani

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Ajit Kumar @ Ajit Gupta Jitendra Gupta @ Jitu @ Gitendra Prasad Sah
Resident of village- Station Chowk Police Station- Town District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the State : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Kaluahahi P.S. Case No. 235 of 2024, dated
29.11.2024, registered for the offences punishable under
Sections 274 and 275 of the B.N.S. and Section 30(a) and 47 of
the Bihar Prohibition and Excise Act.

3. As per allegation, 166.5 litre of Nepali liquor has
been recovered from Toyota Glanza bearing Registration No.
BR-32 AS7074 and driver and owner of the vehicle trying to
flee away were also arrested and the confessional statement of
arrested accused, the name of the petitioner has transpired
wherein the co-accused has alleged that he was going to supply
the seized contraband to the petitioner.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither driver nor owner of the vehicle wherefrom the illicit liquor has been recovered. He also submits that the petitioner is no way connected with the alleged offence and his name has transpired only in the confessional statement of co-accused which has no evidentiary value and hence, no prima facie case is made out and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has one criminal antecedent.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Kaluahi P.S. Case No. 235 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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