

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46016 of 2025

Arising Out of PS. Case No.-59 Year-2023 Thana- ATHMALGOLA District- Patna

Jitendra Kumar S/o Shankar Rai R/o Village- Dedaur, P.S.- Bakhtyarpur, Distt-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Sharma, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 3 04-08-2025 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner apprehends his arrest in connection with Athamalgola P.S. Case No.59 of 2023 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016 on 04.03.2023.
3. As per the prosecution case, 27 liters of foreign liquor were recovered from a Motorcycle bearing Chassis No. MD634BE81N2N00457 and Engine No. AE8NN2800513.
4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR, however, name of the petitioner has transpired in this case only because he is the owner of the said vehicle. It has been submitted that the motorcycle had been given to the other co-accused person for



his personal use and had no knowledge that the same had been put to illegal use. It has been further submitted that there is no recovery from the conscious possession of the petitioner. There is no independent witness of the seizure list, and hence mandatory provisions of search and seizure has been violated.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that petitioner has four criminal antecedents out of which two are of similar nature.

6. At this stage, the petitioner has agreed to deposit an amount of Rs. 5,000/- in the account of Patna High Court Legal Services Committee, Patna bearing Account No. 1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

7. In view of the facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Athamalgola P.S. Case No.59 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Barh, Patna, subject to the condition



laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case till investigation is concluded against him.

(III) The learned Court below would however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(IV) The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Soni Shrivastava, J)

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