

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78727 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- JIRADEI District- Siwan

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Jitendra Gond @ Jitendra Sah Son of Kamla Gond Resident of village -
Thepahan Sayin Tola, P.S.- Jiradeyi, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Jiradeyi PS Case No.06 of 2024 dated 14.01.2024, instituted
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. The allegation is of recovery of 63 litres of illicit
liquor from a motorcycle bearing registration No. BR 29 Y 8084
from the pitch road situated to the south of the Shiv Temple in
village -Surwal.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case due to the highhandedness of the police. It is
submitted that no recovery has been made from the person or



possession of the petitioner. The petitioner was neither present at the place of occurrence nor apprehended by the police at the spot. He has no concern whatsoever with the seized articles or the motorcycle in question. Further submission is that no independent witnesses have been named in the FIR to support the case of the prosecution. There is no material to suggest the involvement of the petitioner in the commission of the alleged offence. Lastly, it is submitted that three other criminal cases of a similar nature are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 Exclusive Special Excise Court No.1, Siwan, in Jiradeyi PS Case No. 06 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure 1973, and further (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, (iv) that 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 (v) that the petitioner with two weeks from the date of his furnishing bail bonds shall appear before the SHO of his area along with a copy of this order and thereafter he shall appear every month before the SHO of his area to mark is attendance till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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