

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80001 of 2024

Arising Out of PS. Case No.-439 Year-2024 Thana- KADAMKUAN District- Patna

Jitendra Kumar @ Jitendra Yadav @ Jitendra Kumar Yadav S/o Bimlesh
Yadav R/o Salimpur, Daldali Road, P.S.- Kadamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Shukla, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-02-2025 Heard Mr. Ravinda Kumar Shukla, learned counsel
for the petitioner and the State.

2. The petitioner is in custody in connection with Kadamkuan P.S. Case No. 439 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act of Bihar Prohibition and Excise Act, 2022 lodged on 15.06.2024 by the informant, Ranjeet Kumar.

3. As per the prosecution story, the police had gone to Dinkar round about to remove the crowd that had assembled and in the process got information that liquor is being supplied through a rickshaw. It was intercepted near the temple and 54 litres of foreign wine has been recovered/seized. One Bishwanath Mandal was arrested and he gave the address of godown whereafter, the same was also raided. One Dhiraj



Kumar @ Mantu was arrested and there is recovery/seizure of 1687.95 litres liquor. Dhiraj Kumar gave the name of this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is not the godown owner and Annexure-P/3 is testimony to it, only because of his earlier criminal antecedent, implicated. Further, the co-accused Dhiraj Kumar has been extended bail in Cr. Misc. No. 54902 of 2024.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent of the same nature.

6. Learned counsel for the petitioner submits that he has suffered by being in custody since 04.10.2024 (para 12 of the petition) and further if granted bail, not only he shall be diligently appearing in trial, ensures that he will not indulge in any further criminal activity. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 20,000/- to the Chief Minister's Relief Fund.

7. Considering the aforesaid facts as also the FIR is there, he will be facing the trial, has remained in custody since 04.10.2024, co-accused Dhiraj Kumar has been granted bail, in that background, this Court is inclined to extend him the



privilege of bail with conditions subject to payment of Rs. 20,000/- to the Chief Minister's Relief Fund through Demand Draft of local State Bank of India and the receipt be submitted to the learned Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge II, Patna in connection with Kadamkuan P.S. Case No. 439 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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