

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1367 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- CHANPATIA District- West Champaran

Jitendra Kumar @ Jitu @ Jeet Kumar @ Jeetu Son of Prunedra Prasad @
Purendra Sah village- Ward no. 02, Naya Tola, Ps- Chanpatiya, Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Chanpatiya

P.S. Case No. 221 of 2024 registered for the offences

punishable under Sections 30 (a) of the Bihar Prohibition and

Excise Act.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 7 litres of IMFL/country made

liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from a field of sugarcane mill, which is an open place and accessible by general public and it cannot be said that recovery of illicit liquor was made from the conscious physical possession of this petitioner. It is also submitted that name of petitioner transpired on the basis of suspicion without having any connecting evidence. While concluding the argument it is submitted that petitioner found involved in two more criminal cases, where he is on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as recovery of illicit liquor not appears to be made from the conscious physical possession of petitioner rather from an open place making entire recovery doubtful, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Bettiah, West Champaran/concerned trial court where the case is pending in connection with Chanpatiya P.S. Case No. 221 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) with further conditions:-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

