

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9156 of 2017

Arising Out of PS.Case No. -441 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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Manoj Kumar Sah @ Manoj Kumar @ Manoj Sah S/o Mushahru Sah
resident of Village Papraur, P.S. Barauni (Zero mile O.P.) District
Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-02-2017 Heard the parties.

This application has been filed in connection with Barauni
(Zero Mile O.P.) P.S.Case No.441 of 2016 for the offence under
Sections 414 and 188 of the Indian Penal Code and Section 30 (a)
of the Bihar Excise (Amendment) Act.

It is submitted on behalf of the petitioner that though three
persons were intercepted but the recovery is from one Gautam
Kumar that too only 40 bottles of Royal Stag English Wine and
nothing has been recovered from the possession of the petitioner.
The petitioner has clean antecedent and he has remained in
custody for more than two months.

Heard learned A.P.P. also.

Having heard both sides. In view of the fact that nothing
has been recovered from the conscious possession of the



petitioner. No doubt, the recovery is from Gautam Kumar and all the accused persons were coming together.

Considering the fact that only 40 bottles of Royal Stag English Wine have been recovered from the possession of Gautam Kumar and nothing has been recovered from the conscious possession of the petitioner and he is in custody for more than two months, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Begusarai in connection with Barauni (Zeromile O.P.) P.S. Case No.441 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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