

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46953 of 2017

Arising Out of PS. Case No.-112 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Manoj Gupta @ Manoj Prasad Gupta S/o Late Ramjee Sah R/O village-
Mahanjan Toli, Navratan Bazar, Sasaram, P.S.- Sasaram (T), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar and Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Surendra Kumar Mishra, Advocate
For the Opposite Party/s :	DR. AJEET KUMAR, A.P.P.
For the EOU :	Mr. V.N.P. Sinha, Sr. Advocate
	Mr. Vijay Anand, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 23-11-2017 Heard learned counsel for the parties.

The petitioner seeks bail in a case registered for offences punishable under Section 420 of the Indian Penal Code and Sections 30 (a), 38 and 41 of Bihar Excise Amendment Act.

As per allegation set out in the FIR, the petitioner was moving ahead of the Truck from where 2581 liters of foreign liquor was recovered.

It is contended on behalf of the petitioner that he was not apprehended from the spot and, in fact, he has been named in the FIR on the basis of disclosure of the driver of the truck, who has stated that the truck owner is Surjeet Singh, resident of Gurgaon, who had directed him that in Sasaram, Manoj Gupta and Vinod Gupta would take the truck to the place under it has



to be unloaded and, on that basis, the petitioner has been made accused. It is urged that nothing has been recovered from his personal possession. He was subsequently arrested on 7.07.2017 and, as such, he has remained in jail custody for more than four and half months.

Considering the facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case No. 112/2017 with a condition that if the petitioner, after his release in this case, is again found involved in similar nature of cases then the concerned court would be at liberty to take steps for cancellation of his bail bonds.

Further, one of the bailors should be family members of the petitioner.

That apart, in view of the antecedents of the petitioner, he would be required to appear before the Superintendent of Police, Rohtas at Sasaram within fifteen days of his release with a copy of this order and every month thereafter for the next six months. The conduct of the petitioner will be kept



under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Superintendent of Police concerned upon his appearance.

(Dr. Ravi Ranjan, J)

V.K.Pandey/-

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