

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17231 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -VIDYAPATINAGAR District- SAMASTIPUR

1. Manish Kumar Roy @ Manish Roy Son of Ram Naresh Roy, R/o
Village- Sothgama, P.S.- Vidyapatinagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sri Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 13-04-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a)/35(a)/38(1)(2) of the Bihar Excise Prohibition Act, 2016.

Recovery of foreign liquor was made from the hut of co-accused Amrit Sah who disclosed that the petitioner had invested money in the sale and purchase of wine.

Submission of the petitioner is that statement of co-accused is no evidence against the petitioner. Moreover, there is no direct allegation that the petitioner was involved in the sale and purchase of the liquor.

Considering the aforesaid facts and the fact that the



bar under Section 76 of the Bihar Prohibition and Excise Act is not attracted in the facts and circumstances of this case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur/successor Court in connection with Vidyapatinagar Police Station Case No. 18 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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