

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28184 of 2018

Arising Out of PS. Case No.-74 Year-2018 Thana- ROSERA District- Samastipur

Manjesh Kumar, Son of Shambhu Ray, Resident of Village- Mdhuban, Ward
No. 10, P.S. Khanpur, District Samastipur.

... .. Petitiones

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-05-2018 Heard Sri Bijay Bhushan Prasad, learned counsel for
the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody since 08.03.2018 in Rosera P.S. Case No.74 of 2018 registered for the offence under Sections 47, 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail on the ground that one of the co-accused, against whom there was serious accusation than the petitioner, has already been granted bail by this Court vide order dated 02.05.2018 passed in Cr.Misc.No.25512 of 2018. He further submits that the petitioner being a tempo driver , without any knowledge, was carrying passengers with certain goods and one of the passengers, namely, Shiv Chandra Jha, who was sitting on the back seat and carrying cartoons containing huge quantity of



about 177.7 Liters Indian Make Foreign Liquor, after noticing the police, started fleeing away leaving the cartoons, however he was apprehended. It has been argued that the petitioner was arrested along with two other accused persons including Shiv Chandra Jha, who was actual owner of the seized articles. He further submits that one another passenger was also granted bail.

Considering the fact that one of the co-accused Shiv Chandra Jha has already been granted bail, against whom there was serious accusation than the petitioner and the petitioner is having clean antecedent, which fact has been stated in paragraph-3 of the petition, there is no reason to further detain the petitioner. Accordingly, let the petitioner, namely, Manjesh Kumar 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 Addl. Sessions Judge -cum- Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No.74 of 2018.

(Rakesh Kumar, J)

nawalkrs/-

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