

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1459 of 2018

Arising Out of PS.Case No. -90 Year- 2017 Thana -MAINATAND District-
WESTCHAMPARAN(BETTIAH)

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1. Vinod Sah @ Vinod Manjhi, son of Late Bhola Manjhi, resident of
Village- Mainatand, P.S.- Mainatand, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-01-2018 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Mainatand P.S. Case No. 90 of 2017 instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition & Excise
Act, 2016, Sections 353, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The case of the prosecution is that when the police
received secret information about illicit liquor being brought from
Nepal, the police went near the Pillar No. 415 and saw that 5-6
persons, who were coming from the border, had kept certain bags
on their heads. The police had tried to stop the said persons,
however, they fled away towards the Nepal border and the said
persons were identified by the persons present there, out of which
one of the accused persons is said to be the petitioner herein. From



the place of occurrence, 117 liters of illicit Nepali liquor was recovered. It is alleged that the said accused persons, who were fleeing towards the Nepal border had also fired from their arms.

The learned counsel for the petitioner submits that the petitioner has neither been arrested from the spot nor any recovery has been made from the conscious possession of the petitioner. It is further submitted that neither any arms have been recovered nor any fired cartridges were recovered from the place of occurrence and the entire allegation is a concocted one. It is further contended that the petitioner has a clean antecedent and he is languishing in custody since 28.09.2017.

Considering the nature of accusation, the period of custody undergone and the fact that the petitioner is having a clean antecedent, I deem it fit and appropriate to enlarge the petitioner on regular bail. Accordingly, the petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, West Champaran at Bettiah in connection with Mainatand P.S. Case No. 90 of 2017.

(Mohit Kumar Shah, J)

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