

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10692 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- KADAMKUAN District- Patna

MANOJ KUMAR @ MANOJ MAHTO, Male, aged about 46 years, Son of
Late Kameshwar Mahto, Resident of Mohalla- Rajendra Nagar Road,
Rajendra Chaudhary Lab Ke Bagal Me, P.S.- Kadam Kuan, District- Patna
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No.2, Adv.
For the Opposite Party : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
16.01.2019 in connection with Special Case No. 611 of 2019
arising out of Kadamkuan P.S. Case No. 35 of 2019 for the
offence alleged under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that one person is selling
illicit liquor the police conducted a raid in the house of the
petitioner and recovered 33 liters of Indian made foreign liquor.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that
nothing has been recovered from his conscious possession and
he undertakes to cooperate in the investigation, not induce



witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special Case No. 611 of 2019 arising out of Kadamkuan P.S. Case No. 35 of 2019 to the satisfaction of the learned Special Judge, Excise, Patna, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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