

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20938 of 2019

Arising Out of PS. Case No.-231 Year-2017 Thana- MAIRWAN District- Siwan

MANISH KUMAR SINGH Son of Late Ganga Sagar Singh Resident of
Village - Pipra, P.S.- Mairwa, Distt - Siwan. At present R/o vill - Srinagar,
Mairwa, P.S.- Mairwa, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.01.2019 in connection with Mairwa P.S. Case No. 231 of
2017 for offences punishable under Sections 272, 273, 308, 420,
34 of the Indian Penal Code and Sections 30(a), 41(i) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant, is
that on secret information that in a house named Moti Mahal
one Sri Kant Prasad and Rama Kant Prasad are trading in illicit
liquor, the police conducted a raid and from the terrace and
house 406.950 litres of illicit liquor was recovered and from the
pick-up van 1.500 litres of illicit liquor was recovered. On



information the police came to know that Sri Kant Prasad and Rama Kant Prasad along with one Radha Rani Devi are trading in illicit liquor and some other persons including the petitioner were supplying the illicit liquor to them.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that except suspicion there is no material against the petitioner and he was not apprehended from the place of seizure. It is further submitted that the co-accused on similar allegations has been granted the privilege of bail by this Court in Cr. Misc. No. 19357 of 2018 vide order dated 24.04.2018 and the owner of the pick-up van has also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 33351 of 2018 vide order dated 26.06.2018. Petitioner undertakes to cooperate in the investigation/ trial and not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and three more cases of similar nature are pending against him.

Considering the nature of allegations and the



materials on record as well as the fact that the petitioner was not apprehended on the spot, let petitioner, above named, be enlarged 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 Addl. Sessions Judge- 2nd cum Special Judge, Excise, Siwan, in connection with Mairwa P.S. Case No. 231 of 2017, subject to the following conditions :

1. 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.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. 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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