

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21810 of 2019

Arising Out of P.S. Case No.-362 Year-2018 Thana- PARSABAZAR District- Patna

MANOJ KUMAR (Male), aged about 28 years, Son of Tilak Singh, Resident of Village-Nagla Hirawan, P.S-Sirsaganj, District-Firojabad (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Ranjan Sinha, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 09.11.2018 in connection with Special Case No.10730 of 2018 arising out of Parsa Bazar P.S.Case No.362 of 2018 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 some persons, namely, Puttu Kumar, Binay Kumar, Babloo Kumar and Mantoo Kumar have concealed huge quantity of illicit liquor in a factory and godown, the police conducted a raid while four persons managed to flee away, the petitioner was apprehended who revealed the name of the four persons who owned illicit liquor



and confessed that the petitioner was just a care taker. As much as 1400 liters of illicit foreign liquor was recovered from the place. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and nothing has been recovered from his conscious possession and he was not involved with the trade of illicit liquor. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence or witnesses and the petitioner is languishing in judicial custody since five months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody as well as the fact that the petitioner does not bear any criminal antecedent, 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.10730 of 2018 arising out of Parsa Bazar P.S.Case No.362 of 2018 to the satisfaction of 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) 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.

(Nilu Agrawal, J)

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