

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23594 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- MOTIPUR District- Muzaffarpur

MANISH KUMAR @ MANISH MISHRA, aged about 28 years, Male, Son
of Kamlesh Tiwary @ Kamlesh Kumar Mishra, Resident of Village- Sadha
Singhila, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-04-2019 Heard both sides.

The petitioner apprehends his arrest in Motipur P.S.
Case No.77 of 2019 registered under Sections 30(a), 38(1)(2)
and 41(1)(2) of Bihar Prohibition and Excise Act.

The S.H.O., Motipur in his written statement alleged
that he got secret inputs about keeping of consignment brought
by Munna Singh and his associates including the petitioner and
kept in and around the house of Munna Singh and on such, a
raid was conducted and 443 liters of Indian made foreign liquor
of different brands was recovered from the house of Munna
Singh and from his pond situated by the side of house of Munna
Singh.

The learned counsel for the petitioner submits that
except the disclosure made by the investigating officer that the
petitioner is one of the accomplices of Munna Singh, there is no



material on record to show that the petitioner brought the consignments of liquor and kept in the house of Munna Singh. Petitioner has got no criminal antecedent and this is the first case in which he has been made accused that too without any basis and material.

Taking into consideration the fact that of course the petitioner is said to be one of the associates of Munna Singh but no recovery is made from the conscious possession of the petitioner and huge quantity of liquor was recovered from the house and other parts of the house and pond of Munna Singh, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No.77 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Jha, J)

