

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33404 of 2019**

Arising Out of PS. Case No.-91 Year-2019 Thana- MUSAHARI District- Muzaffarpur

Manoj Sah @ Manoj Kumar @ Manoj Kumar Sah, S/o Bishundeo Sah R/o
village- Madhopur, P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mushahari P.S. Case no. 91 of 2019, registered under
Section 272 and 273 of the Indian Penal Code and Section
30(a), 36, and 38 of the Bihar Prohibition and Excise Act.

The accusation is that on receiving secret
information about carrying of illicit liquor loading on Tata 407
vehicle by Manoj Sah and Vinod Chaudhary in village-
Madhopur and keeping the same in the house of Bhikhari Rai,
the informant along with other Police personnel reached at the
door of Bhikhari Rai at village Madhopur. On seeing the Police
vehicle, Manoj Sah (Petitioner), Vinod Choudhary and Raju
Rai, son of Bhikhari Rai were seen fleeing from there in the
head light of Police vehicle. In presence of witnesses, house of
Bhikhari Rai was search. On search, 272 bottles, each



containing 750 ML India made foreign liquor recovered from the house of Bhikhari Rai.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the alleged liquor was not recovered from the house of petitioner, rather the same was recovered from the house of Bhikhari Rai and his son Raju Rai. Further submission is that since the petitioner was accused in Mushahari P.S. Case No. 42 of 2014 as detailed in paragraph No.3 due to that reasons, the informant got managed to implicate the petitioner with assertion that petitioner was also seen fleeing along with the other in the head light of vehicle.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Act, Muzaffarpur in connection with Mushahari P.S. Case No. 91 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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