

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3950 of 2020**

Arising Out of PS. Case No.-108 Year-2019 Thana- KARTAHA District- Vaishali

Manish Kumar @ Manish Singh Son of Satya Narayan Singh, Resident of  
Village - Lautan, P.S.- Kartaha, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Mr.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      22-01-2020

Heard learned counsel for the parties.

The petitioner seeks bail in connection with Kartaha P.S.  
Case No.108 of 2019 registered for the offence under Sections  
272/273/414/34 of the Indian Penal Code and Section 30(a) of the  
Bihar Prohibition and Excise( Amendment) Act, 2018.

It is alleged that 80 liters of country made liquor is said to  
have been recovered from two motorcycles and the petitioner was  
apprehended on the spot.

It is submitted on behalf of the petitioner that the  
petitioner has falsely been implicated in this case only on the basis of  
mere suspicion and nothing has been recovered from his conscious  
possession, rather it was recovered from the motorcycles, which do  
not belong to the petitioner. It is further submitted that mandatory  
provision of Section 100 Cr.P.C. has not been followed with respect  
to search and seizure. The petitioner is in custody since 10.11.2019,



having clean antecedent. It is submitted that three other similarly situated co-accused persons have already been granted bail vide order dated 16.12.2019 passed in Cr.Misc.No.83473 of 2019 and order dated 18.12.2019 passed in Cr.Misc.No.84255 of 2019 ( Annexure-2 series).

Considering the aforesaid facts and circumstances as well as considering the fact that other similarly situated persons have already been granted bail, let the petitioner, named above, be released 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 A.D.J. 2nd -cum-Excise Court, Vaishali at Hajipur in connection with Kartaha P.S. Case No.108 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J.)**

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