

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19562 of 2020

Arising Out of PS. Case No.-65 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

1. MANISH KUMAR S/o Munni Singh Resident of Village- Sarosor, P.S.- Dinara, Distt- Rohtas at Sasaram
2. Durgesh Pandey S/o Shivnarayan Pandey Resident of Village- Khairi, P.S.- Dinara, Distt- Rohtas at Sasaram.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Rajani Kant Pandey, Advocate.
For the State : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

Perused the office notes dated 12.06.2020, which indicates that in the impugned order dated 04.03.2020 passed in Excise Case No.195 of 2020, arising out of Mohania P.S. Case No.65 of 2020 (relating to the present case), whereby and whereunder the prayer of the petitioners for grant of bail has been rejected by the Special Judge (Excise), Kaimur at Bhabhua, the name of the petitioner no.1 is detailed as 'Manish Kumar Singh' but in the present application, the name of the petitioner no.1 has been typed only as 'Manish Kumar'.

Learned counsel for the petitioners submits that due to



lock down, the aforesaid mistake could not be rectified by him and he undertakes that the same shall be rectified by him as soon as the Court shall start functioning physically.

Let him to do so accordingly and the name of the petitioner no.1 in the present application be treated and read as 'Manish Kumar Singh', in place of 'Manish Kumar'.

The petitioners seek bail in connection with Excise Case No.195 of 2020, arising out of Mohania P.S. Case No.65 of 2020, registered under Sections 353, 307, 414 and 427 of the Indian Penal Code besides Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The accusation is of recovery of 18 cartoons, each containing 45 bottles of 200 ml. country made liquor, 522 bottles, each containing 200 ml. country made liquor and 91 Tetra pack pouches, each containing 180 ml. Indian Made Foreign Liquor, from the Indigo car bearing Registration No.UP 65AT 9775, which was being driven by the petitioner no.1, in which the petitioner no.2 was found sitting.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have no criminal antecedents and are in custody since 02.03.2020.

Having regard to the facts and the circumstances of



the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Special Judge (Excise), Kaimur at Bhabua/Additional Sessions Judge-III-cum-Special Judge (Excise Act), Kaimur at Bhabua, in connection with Excise Case No.195 of 2020, arising out of Mohania P.S. Case No.65 of 2020.

(Rajendra Kumar Mishra, J)

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