

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19636 of 2020

Arising Out of PS. Case No.-220 Year-2020 Thana- SARAIYA District- Muzaffarpur

Manish Kumar Sah @ Manish Kumar, Son of Late Ram Chander Sah,
Resident of Pandol @ Pandaul, P.S.- Pandol @ Pandaul, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Saraiya P.S. Case No.220 of 2020 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Acting on an information, a pick-up van was



intercepted coming from Bagh Nagari Chawk. It is alleged that 35.625 litres Indian Made Foreign Liquor (IMFL) has been recovered from the pick-up van.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedents. The petitioner is merely a Driver and has no knowledge about the liquor kept in the vehicle. Further submission is that the alleged recovery was in contravention of the mandatory procedure prescribed under Section 100 Cr.P.C. The petitioner is in custody since 12.04.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Special Judge, Excise Act, Muzaffarpur, in connection with Saraiya P.S. Case No.220 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy



as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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