

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12987 of 2021**

Arising Out of PS. Case No.-483 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

MANISH KUMAR Son of Mahendra Kunwar @ Mahendra Kumar Resident
of Village - Itwa, P.S. - Muffasil, District - Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Muffasil P.S. Case No. 483 of 2019 registered

for the offences punishable under Sections 414/120(B) of the

Indian Penal Code and Section 30(a) of the Bihar Excise and

Prohibition Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story the informant on getting secret information

about illegal trade of wine reached a saw mill. On seeing the



police two persons tried to flee away but were apprehended by the police and disclosed their name as Rohit Kumar and Jitendra Kumar and also disclosed the name of this petitioner. The police at the instance of arrested persons reached Gandhi Chowk and recovered a total of 3461 litres illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been received from the conscious possession of the petitioner and he has been made accused on the confessional statement of the co-accused. Learned counsel submits that the petitioner is in custody since 10.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the alleged recovery of illicit liquor has been made from the saw mill of the co-accused Rohit Kumar and from the vehicle with which the petitioner has nothing to do, further submission that on the same day on the basis of the statement of the co-accused two cases have been registered and in one of the cases petitioner has been granted anticipatory bail



and in all the cases stated in paragraph '3', he is on bail as also that the several co-accused in the present case have been granted bail and those orders are enclosed with the present petition, investigation against the petitioner is complete in the present case, he has remained in custody for over six months, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions-II-cum-Special Judge, Bihar Prohibition and Excise Act, Begusarai in connection with Muffasil P.S. Case No. 483 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

