

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13986 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- BAGHA District- West Champaran

Manish Singh @ Manish Kumar Singh, Male, Aged about 25 years, Son of Kamlesh Singh Resident of village- Noniya Patti, Police Station - Bhairoganj, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.A.G.

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

2. 01-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bagaha P.S. Case No. 108 of 2020, registered for the offence under Sections 414, 34 of the I.P.C. and Section 33 of Bihar Prohibition and Excise Act.

As per the prosecution case, 300 liters of spirit has been recovered from a Bollero vehicle and the petitioner, being owner of the vehicle, has been made accused.

It is submitted on behalf of petitioner that petitioner has been made accused in this case only due to the fact that he is owner of the vehicle in question, whereas, neither he was present at the place of occurrence nor any incriminating article has been recovered from his possession. The vehicle was being driven by the driver and petitioner had no knowledge about the nature of consignment and the driver of the vehicle namely Jaiprakash Yadav has already been granted bail by a coordinate



Bench of this Court, vide order dated 19.10.2020 passed in Cr.Misc. No. 27258 of 2020. Petitioner is in custody since 28.10.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts & circumstances as well as nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 Special Judge, Excise, Bettiah, West Champaran in connection with Bagaha P.S. Case No. 108 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on 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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