

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18804 of 2021

Arising Out of PS. Case No.-239 Year-2020 Thana- MANIYARI District- Muzaffarpur

Sanjay Kumar@Sanjeev Kumar Son Of Sadhu Prasad Rai @ Sadhu Prasad
Yadav Resident Of Village- Shahpur Maricha P.S. Maniyari District-
Muzaffarpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. PK Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in connection with Maniyari
P.S. Case No. 239 of 2020 registered for the offences
punishable under Sections 272, 273, 290, 414 of the Indian
Penal Code 1860, Sections 30(a), 34, 36, 41 and 56D of the
Bihar Prohibition and Excise Act, 2016.

As per the FIR, police recovered 1097.250 litres of illicit
foreign liquor and 1900 Kg. sweet potato (Shakarkand) from
the truck. Petitioner and other accused persons fled away after
seeing the police. However, petitioner was identified by local
people and chaukidar.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. No incriminating material has been recovered from the conscious possession of the petitioner. He is in custody since 14.12.2020. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court vide order passed in Cr.Misc.No. 6172/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that No incriminating material has been recovered from the conscious possession of the petitioner and charge sheet has already been submitted in the matter, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Maniyari P.S. Case No. 239 of 2020 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 on his/her absence on two consecutive dates without sufficient reason, his/her 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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