

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32121 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- BIHTA District- Patna

Manish Kumar @ Manish Yadav, S/o Late Umesh Ray R/o Village-Lekhan
Tola, P.S.-Bihta, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-02-2021 As prayed for, let the learned counsel appearing for the
petitioner remove the defect(s), as pointed out by the office, within
four weeks of starting of the Court proceeding in physical mode.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Bihta P.S. Case No. 41 of 2020 registered under Section 30 of the
Bihar Excise Amendment Act, 2018.

The accusation is that in respect of Bihta P.S. Case No.
38 of 2020 and Bihta P.S. Case No. 39 of 2020, query was being
made at the Police Station from accused of the aforesaid cases,
namely, Ramesh Kumar and Pintu Kumar. In that course, they
disclosed about concealing the bottles of the Indian made foreign
liquor near the dam road situated at village Madahi. Thereafter,
informant along with other police personnel reached there and



recovered 3308 bottles containing 843.54 litres Indian made foreign liquor. On query, Ramesh Kumar and Pintu Kumar also disclosed the name of four others including the petitioner, who had managed to carry the illicit liquor on the occasion of New Year and Holi Festival.

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot but his name has surfaced in the confessional statement of co-accused, Ramesh Kumar and Pintu Kumar. Further submission is that petitioner falsely been implicated in the present case due to ulterior motive, while petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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, Patna, in connection with Bihta P.S. Case No. 41 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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