

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33032 of 2020**

Arising Out of PS Case No.-66 Year-2020 Thana- JAYNAGAR District- Madhubani

Manoj Kumar Das @ Manoj Das, Male aged about 32 years, Son of Jiwachh Das, Resident of Village- Betaunha, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Advocate
For the State	:	Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Murari Narain Chaudhary, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Jainagar PS Case No. 66 of 2020 dated 28.02.2020, instituted under Sections 227, 273, 414 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the ‘Act’).

4. The allegation against the petitioner is that upon chase of the motorcycle he was riding, he tried to run away, but was caught and 108 litres of nepali liquor was recovered.



5. Learned counsel for the petitioner submitted that neither the motorcycle belongs to him nor there was recovery from his conscious possession and he has been falsely implicated. It was further submitted that the petitioner having no criminal antecedent is in custody since 29.02.2020.

6. Learned APP submitted that the petitioner was driving the motorcycle from which there is recovery of 108 litres of nepali liquor which is an offence under the Act.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in Jaynagar PS Case No. 66 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the



undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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