

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7235 of 2021

Arising Out of PS. Case No.-88 Year-2019 Thana- SAHEBPUR KAMAL District- Begusarai

Manoj Kumar @ Manoj Chaudhary Son of Rambilash Chaudhary, resident of
village - Masaudhi, P.S. - Muffasil, District -. Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 In view of sudden surge of COVID-19 infection there

is limited functioning of the High Court and therefore the matter

has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the
learned APP for the State.

This Court would expect that the petitioner's Counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in S. Kamal P.S. Case No. 88 of
2019 registered for offence punishable under sections 272, 273,
411 of the Indian Penal Code and sections 30 (a), 32, 41 of the
Bihar Prohibition and Excise Act.

One driver and two persons, who were moving in the



truck, fled away from the truck on which total 808.200 litres foreign liquor was being transported.

Petitioner's counsel submits that the petitioner is not named in the F.I.R. on the basis of confessional statement of co-accused Pandav Kumar in police custody which has no evidentiary value. Petitioner has subsequently been implicated in this case. There is no recovery of any incriminating material from the petitioner, who is in custody since 09.11.2020 and he is accused in one more case being Khagarai P. S. Case No. 334 of 2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Begusarai in S. Kamal P.S. Case No. 88 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit genealogy as to how he is related with the petitioner. The bailor



will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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