

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9762 of 2021

Arising Out of PS. Case No.-933 Year-2020 Thana- ARARIA District- Araria

Manish Kumar aged about 20 years (M) Son of Bindeshwari Prasad Yadav
Resident of Village- Kolhuwar Ward No. 11, P.S.- Shankarpur, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 02-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Araria (Bairgachhi) P.S. Case No. 933 of 2020, corresponding to Special Case No. 968 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

During vehicle checking, a Tata Magic vehicle, bearing Registration no. BR19GA-5096, was seized and upon search, 286.125 liters (as per seizure list) of foreign liquor has been recovered and this petitioner, who was travelling in the said vehicle, was arrested.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. Petitioner is neither owner nor driver of the seized vehicle. He was simply a co-passenger and has got no concern with the alleged recovery. Petitioner claims clean antecedent and he is in



custody since 17.11.2020.

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

Considering the fact that nothing has been recovered from conscious possession of the petitioner and petitioner has got clean antecedent, as stated in paragraph – 3 of the petition, 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 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Araria in connection with Araria (Bairgachhi) P.S. Case No. 933 of 2020, corresponding to Special Case No. 968 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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