

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2145 of 2022

Arising Out of PS. Case No.-257 Year-2020 Thana- AURAI District- Muzaffarpur

Manoj Sah, S/o Parikshan Sah, R/o village- Janar, P.S.- Aurai, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Divya Bharti, Advocate Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Divya Bharti, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Aurai P.S. Case No. 257 of 2020 for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police, on secret information, raided the house of the petitioner and on search being made, altogether 65.640 litres of foreign liquor of



different brands were recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is no recovery from the house of the petitioner, rather the recovery has been made from an open place, which was accessible to all. It is further submitted that even as per the F.I.R., the so-called recovery of liquor was made from the house of the petitioner, but surprisingly neither the copy of the seizure list was given to any family members of the petitioner nor the signature of any family member was obtained on the seizure list. It is further submitted that the petitioner is in custody since 11.11.2021, though the investigation of the present crime has already been concluded and charge-sheet has been submitted and the petitioner has got no criminal antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the seizure list does not contain the signature of any family members of the petitioner, apart from the fact that the petitioner is in custody since 11.11.2021 and the investigation of the crime has already



been concluded and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Aurai P.S. Case No. 257 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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