

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5812 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- AMBA District- Aurangabad

MANAS KUMAR SINGH Son of Baijnath Singh Resident of Jai Prakash
Nagar, P.S. - Town, District - Aurangabad (Bihar).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shitanshu Shekhar Mishra, Advocate

For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

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

Petitioner, in the present case, is seeking regular bail
in connection with Amba P.S. Case No. 179 of 2021 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018. He is in
custody since 30.10.2021 having one criminal antecedent as
stated in paragraph '3' of the application in which he is on bail.

As per the prosecution story, the informant has
alleged that on 29.10.2021 he signalled a bus to stop at Erka
Check-post for checking, the bus driver did not stop and tried to



flee away from there but was chased by police and stopped the bus. The informant further alleged that four persons were apprehended who were (1) Sanjay Kumar, driver (2) Prakash Singh, cleaner (3) Sugreev Pandey, conductor and (4) Manas Kumar Singh (the petitioner). On search, 300 liters of desi liquor were recovered from the rooftop of the bus. All the four persons were arrested and made accused under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The alleged recovery was made from a public transport and not from the private vehicle of the petitioner, however he is in custody since 30.10.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner happened to be the passenger of the bus in question from which the alleged recovery has been made, petitioner has remained in custody in connection with this case 30.10.2021, he is accused in one case in which he is said to be on bail, investigation against him is complete and his presence may be secured in course of trial, therefore, this court directs release of the



petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise – 1st, Aurangabad in connection with Amba P.S. Case No. 179 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

