

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11654 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Manoj Sah @ Manoj Kumar, Son of Bahadur Sah, Resident of Village-
Bhaluari, P.S.- Indrapuri, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through Video Conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 178 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case is that about 1000 litres of spirit was recovered from an abandoned building and it came to the notice of the raiding team that the same belonged to the petitioner and the co-accused Chainti Sah.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged recovery. He has not been apprehended from the spot and nothing has been recovered from the possession/person of the petitioner. The petitioner is not the owner of the house from where the sprit was seized. The learned counsel further submits that co-accused Chainti Sah has been granted privilege of anticipatory bail vide order dated 04.03.2022 passed in Cr. Misc. No. 54950 of 2021. The petitioner is in custody since 24.12.2021. Regarding the antecedent of the petitioner, learned counsel submits that the petitioner has also been made an accused in three other cases.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and nothing has been recovered from the person/possession of the petitioner and similarly placed co-accused has been granted privilege of anticipatory bail by a co-ordinate Bench and further considering the period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned

Additional Sessions Judge 2nd -cum- Special Judge, Excise,
Rohtas at Sasaram in connection with Excise P.S. Case No. 178
of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted
only after framing of charge, if not already
framed.

(ii) One of the bailors will be a close relative of
the petitioner.

(iii) The petitioner will remain present on each
and every date fixed by the court below.

(iv) In case of absence for three consecutive
dates or in violation of the terms of the bail, the
bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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