

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13523 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- KARAKAT District- Rohtas

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MANISH KUMAR @ MALLU KUMAR @ MALLU Son of Dharmadev
Singh Resident of Village - Chandi, P.S.- Akoridhigola, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Anant Kumar 1

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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
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Karakat P.S. Case No. 138/2021 registered for
the alleged offences under Section 30(a) of Bihar Prohibition
and Excise Act.

About 1296 liters of illicit liquor was recovered from
a pick up van and two persons fled away from there and one of
the co-accused, Prithvi Singh, was identified by local
Chowkidar. Later on during investigation the name of the
petitioner surfaced as driver of the said vehicle in the



confessional statement of one of the co-accused person Munna Raj @ Guddu Singh. The learned counsel for the petitioner submits that the petitioner has got no concern with the co-accused Munna Raj @ Guddu Singh who is said to be owner of the vehicle and took his name as a driver or with the pick up van seized by the police. One of the persons who was not identified while fleeing away from the spot and was later on said to be the owner of the pick up van and hence, it is clear that the petitioner was not at the spot at the relevant time. The petitioner has got clean antecedent and charge sheet has already been filed in this case. The petitioner is in custody since 18.12.2021.

Learned A.P.P. for the State has opposed the prayer of bail of the petitioner and submitted that huge quantity of illicit liquor has been seized from the vehicle being driven by the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and he is not the owner of the vehicle and further taking into consideration his 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-XIII-cum-Special Judge, Excise-II, Rohtas at Sasaram, in connection with Karakat P.S. Case No. 138/2021, subject to the following conditions :

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

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

(iii) 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)

ved/-

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