

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14095 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- JANDAHA District- Vaishali

Manish Kumar @ Manish Kumar Singh S/O Gayanand Rai R/O Village And
Post- Mohanpur, P.S.- Biddupur, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State

through video conferencing.

Petitioner seeks bail in a case registered in
connection with Jandaha P.S.Case No. 223 of 2021 for the
offences punishable under Sections 30(a) 31(ii), 41(i) of the
Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that
police on secret information, that three persons in Tata
Sumo Van carrying illicit liquor apprehended them and on
search being made, total 147.135 liters liquor was
recovered from the said vehicle. It is further alleged that
petitioner was arrested while he was sitting in a vehicle.



It is submitted by the learned counsel for the petitioner that petitioner was not arrested with the alleged liquor rather the same has been recovered from vehicle and the petitioner has neither any concern with the vehicle nor with the recovered liquor. It is further submitted that only because of past antecedent, his name has been implicated in this case also. It is lastly submitted that this petitioner is in custody since 06.10.2021 and moreover, investigation has already been completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner was found involved in the trade of illicit liquor and has one another case in similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that alleged recovery has been made from the vehicle, which does not belong to the petitioner and moreover, petitioner is in custody since 06.10.2021, apart from the fact that investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- Vaishali at Hajipur in connection with Jandaha P.S.Case No. 223 of 2021, 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.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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