

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17943 of 2022

Arising Out of PS. Case No.-1045 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Manoj Kumar Rai, Son of Late Ram Pukar Rai, Resident of village -
Samachak, P.S.- Sadar Hajipur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 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 Hajipur Sadar P.S. Case No. 1045 of 2021 registered for the alleged offences under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that police received secret information about co-accused persons storing India made foreign liquor in large quantity, Police reached the spot and on search at the different places, recovered different quantity of India made foreign liquor and total 366.95 litres of illicit liquor



was seized. The petitioner and other co-accused persons were named for their involvement by the Chowkidar and other sources of the police.

The learned counsel for the petitioner submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. Save and except a vague suspicion based on dubious information, there is no substantive material to connect the petitioner with the alleged crime. The petitioner is an agriculturist and at the time of investigation his name has been given in this case. Charge-sheet has been submitted and the petitioner is in custody since 16.02.2022 and he is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons are involved in illicit trade of liquor.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing material has been shown to have recovered from him and charge-sheet has been submitted further considering the period of his 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 Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 1045 of 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) The petitioner will not indulge in similar type of offences in future.

(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)

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