

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17410 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- SUPAUL District- Supaul

MANAS PANDEY Son of Late Ratneshwar Pandey Residnet of village -
Parsauni, Ward No.- 14, P.S.- Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

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 virtual court proceeding.

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 Sessions Trial No. 431 of 2021 arising out of Supaul P.S. Case No. 295 of 2021 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that police received information about petitioner and co-accused bringing huge consignment of liquor in the Parsoni field in front of the poultry farm of the petitioner and place was raided and five co-accused persons were



apprehended. 1469.750 liters of India made foreign liquor was recovered from different vehicles parked at that place.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he is neither the owner of the vehicles nor the driver, nor the cleaner nor he has any concern with the seized contraband. The petitioner has been named in this case on the confessional statement of co-accused Mohan Pandey and Raju Jaiswal who are on inimical terms with the petitioner. There is complete violation of statutory provision. The whole process of search, recovery and seizure appears to be tainted and all the provisions of Section 100 Cr.P.C. have been violated. Charge sheet has been submitted in this case and the petitioner is in custody since 18.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and he is having long criminal history and he is involved in cases of similar nature.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating was said to be recovered from him and the charge sheet has been submitted and further considering the period of custody of the petitioner, 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 Special Judge-I, Excise, Supaul in connection with Sessions Excise Case No. 431 of 2021 arising out of Supaul P.S. Case No. 295 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) The petitioner will not commit similar type of offences in future.
- (iv) In case of absence on 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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