

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17921 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- GORAUL District- Vaishali

Manjay Kumar Son Of Late Vishwanath Sahni R/O Village- Husaina Khurd,
P.S.- Goraul, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Ms.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 30(a),32(2),38(2),41(1) of Bihar Prohibition and Excise Act.

Recovery is of 236.88 liters of Indian made foreign liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that in fact nothing has been recovered from conscious possession of the petitioner.



Further submits that it appears from the FIR as well as seizure list that recovery has been made from one motorcycle and one pick up Van and house of Sudhir Kumar Singh. Further submits that in fact the motorcycle was registered in the name of the brother-in-law of the petitioner and the petitioner has no concern at all with the alleged recovery and only on the basis of the suspicion, the name of the petitioner has been transpired in the present case. Further submits that the co-accused, namely, Rakesh Kumar Singh has been granted bail vide order dated 23.02.2022 passed in Cr.Misc.No.71305 of 2021 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Goraul P.S. Case No.318 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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