

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17931 of 2022**

Arising Out of PS. Case No.-18 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Monu Kumar, S/o Ramesh Mahto, R/o village- Jatmalpur (Jathmalpur), P.S.-
Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, 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 Mohammadpur P.S. Case No. 18 of 2022 registered for the alleged offences under Sections 30 (A) of the Bihar Prohibition and Amendment Excise Act, 2018.

The prosecution case is that the petitioner was apprehended by the police party when he tried to run away with him tempo on seeing the police party. From the tempo of this petitioner, 183.96 litres of illicit liquor was recovered.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Police caught this petitioner on suspicion as real driver fled away from the tempo. Though the recovery has stated to be made from the tempo, but the same does not belong to this petitioner. The petitioner is neither the owner nor the driver of the seized vehicle. Learned counsel further submits that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The charge-sheet has been submitted in this case and the petitioner is in custody since 01.02.2022

Learned APP opposes the prayer for bail submitting that the petitioner was driver of the tempo and he was apprehended from the spot and recovery has been made from the beneath the seat of the tempo.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of the 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 Session Judge-II cum Special Judge Excise Court No.1, Gopalganj in connection with Mohammadpur P.S. Case



No. 18 of 2022, 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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