

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18476 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

Manoj Sah @ Manoj Kumar Son of Bahadur Sah R/O Village- Bhaluari, P.S.-
Indrapuri, District- Rohtas

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar Singh

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Sasaram Muffasil P.S. Case No. 222 of 2021 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 4806 litre foreign liquor from truck and motorcycle in
question and petitioner along with others co-accused fled away
from the spot. The name of the petitioner has been disclosed on
the confessional statement of the co-accused Sanjay Choudhary.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.12.2021 and bears criminal antecedent of four cases out of which two cases are of similar nature and he has been granted bail in two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that neither there is any recovery of liquor from possession of the petitioner nor the alleged vehicle in question belongs to the petitioner and he was not apprehended on the spot. He further submits that name of the petitioner has been falsely implicated in the case on the basis of the confessional statement of the co-accused.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that the petitioner was not apprehended on the spot and the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-XIII-cum-Special Judge Excise-II, Rohtas at Sasaram in connection with Sasaram Muffasil P.S. Case No. 222 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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