

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20310 of 2022**

Arising Out of PS. Case No.-615 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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Manish Kumar, S/o Hajari Paswan Resident of Village- Ramabandhk, P.S.-
Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 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 Aurangabad Town P.S. Case No. 615 of 2021, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, the police received secret information about the petitioner unloading illicit liquor from the three vehicles near his house and a raid was conducted and from these three vehicles, 74.4 liters of illicit country made



liquor was recovered. The petitioner and other co-accused persons fled away from the spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has no concern with the vehicles from where recovery is stated to have been made. The petitioner is neither the driver nor the owner of the vehicles. The petitioner was not even present at the place of recovery. He has been named in this case merely on suspicion as the house of this petitioner is situated near the place of recovery. 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 01.03.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 01.03.2022, 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, Excise, 1st, Aurangabad, in connection with Town P.S. Case No. 615 of 2021 subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and 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 the deponent, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(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)

V.K.Pandey/-

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