

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20235 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- BIDUPUR District- Vaishali

Manish Kumar, S/o Gayanand Rai, R/o village and Post- Mohanpur, P.S.-
Biddupur, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Bidupur P.S. Case No. 198 of 2021 registered for the alleged offences under Sections 30(a) and 41(I) of Bihar Excise Amendment Act, 2018.

The prosecution case is that the police received secret information that the petitioner and co-accused persons were involved in sale and purchase of illicit liquor and they have received a consignment on that particular date. When the police party reached the identified place, they found a pick-up Van



from where 3-4 persons fled away on seeing the police party. From this vehicle, total 2442.6 litres of India made foreign liquor was recovered. Petitioner is stated to be the owner of the vehicle from which the recovery has been made.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case only because he is the owner of the vehicle. The seized vehicle is a commercial one and petitioner has got no concern with the recovery made from his vehicle. The petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Charge-sheet has been submitted and the petitioner is in custody since 21.12.2021.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been seized from the vehicle belonging to this petitioner and he is also having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and the charge-sheet has been submitted in this case and further considering the period of his 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 Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 198 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) 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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