

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20920 of 2022

Arising Out of PS. Case No.-407 Year-2019 Thana- PATORI District- Samastipur

Abhimanyu Kumar @ Manjay Lal Rai S/o Musafir Ray R/o Village - South
Dumri, P.S.- Patori, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the State : Mr. A.G., APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough
virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Patori
(Mohanpur O.P.) P.S. Case No. 407 of 2019 registered for the
offence under Sections 272 and 273 of the Indian Penal Code
and under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.02.2022.

The allegation against the petitioner is to have
involved in the illegal business of illicit liquor, where 300 liters
of Jawa mixture was recovered.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from an open place near Ganga river and the name of the petitioner surfaced on the basis of disclosure made by local chowkidar. It has also been submitted that there is no recovery from the conscious physical possession of the petitioner, in furtherance of the said disclosure. It has further been submitted that co-accused persons has already been granted bail by the learned Co-ordinate Bench of this Court through Cr. Misc. No. 14772 of 2022 dated 14.06.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, chargehsheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State, vehemently, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery has been made from an open place, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Patori (Mohanpur O.P.) P.S. Case No. 407 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Samastipur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Mukesh Kumar Ray, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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