

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21580 of 2022**

Arising Out of PS. Case No.-108 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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MANOJ KUMAR MISHRA son of Late Raj Kumar Mishra Resident of
Village - Rajeev Nagar, Road No. 8, P.S. - Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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**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 Excise
Case No. 108 of 2022 registered for the offences punishable
under Sections 30 (a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 129 litres foreign liquor from the vehicle in question. The
petitioner was the driver and he was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.02.2022 and bears criminal
antecedent of one case of similar nature. Prosecution report has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner.

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, prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration 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 learned Exclusive Excise Judge No. 3 Gaya, in connection with Excise Case No. 108 of 2022, 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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