

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22587 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Manish Kumar Son Of Musafir Rai R/O Village- Terasiya, P.S.- Ganga
Bridge, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 C2A-97/2022 arising out of Gangabridge P.R.
No. 62/2022 registered for the alleged offences under Sections
30(a), 32(1), 32(3), 41(1), 41(2) of Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, 250 liters of country made
chulai liquor was recovered from a vehicle and the petitioner
and other co-accused person namely Sonu Kumar was



apprehended from the vehicle.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner is the driver of the said vehicle and he has no knowledge about illegal liquor loaded on his vehicle. The contraband was not loaded in the presence of the petitioner. Learned counsel further submits that seizure list has not been prepared in accordance with law and no recovery has been made from the conscious possession of the petitioner. Prosecution report has been submitted and the petitioner is in custody since 15.03.2022. Petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that recovery has been made from the vehicle which was being driven by the petitioner.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner, submission of charge sheet in this case and also the period of custody of the petitioner, 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 Prohibition and Excise Court No. II-cum-Additional District and Session Judge,



Vaishali at Hajipur in connection with C2A No. 97/2022 arising out of Gangabridge P.R. No. 62/2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

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

(iii) 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)

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