

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25653 of 2022**

Arising Out of PS. Case No.-18 Year-2022 Thana- KANHAULI District- Sitamarhi

MD. MUNNA KHAN S/o Md. Abdul Rahim Khan R/o village- Basahiya,  
P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      03-08-2022                      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.

The petitioner seeks bail in connection with  
Kanhauli P.S. Case No. 18 of 2022 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery  
of 225 litres Nepali country made Saufi from Indigo car in  
question. Petitioner along with another co-accused has been  
apprehended on spot, however, one person is managed to flee  
away.

Learned counsel for the petitioner submits that



petitioner is in custody since 08.02.2022. Petitioner bears criminal antecedent of one case. Charge sheet has already 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 possession of he petitioner. The petitioner is the driver of the alleged vehicle and being a driver he is driving the vehicle on the direction of the owner and he has no knowledge about the liquor kept inside the vehicle.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court No. - 1, Sitamarhi, District Sitamarhi in connection with Kanhauli P.S. Case No. 18 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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