

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26664 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- UCHKAGAON District- Gopalganj

Manoj Prasad, S/o Hiralal Prasad, R/o village- Pasarma, P.S.- Gopalganj,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Unchkagaon Sadar P.S. Case No. 62 of 2022 registered for the alleged offences under Section 414/34 of the Indian Penal Code and Sections 30(a) and 35/38 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, on secret information, two vehicles were intercepted and six persons after alighting from the vehicles tried to run away and two of them were apprehended. Petitioner is one of the apprehended persons.



From the search of the intercepted vehicles, 432 litres of India made foreign liquor was recovered. Petitioner is stated to be the driver of one of the intercepted vehicles.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is the driver and has no knowledge about the contraband seized from the vehicle. No recovery has been made from his conscious possession and charge-sheet has been submitted and the petitioner is in custody since 06.03.2022. The petitioner is having no criminal antecedent. Co-accused Ram Prabesh Prasad, who was apprehended from the spot, has been granted bail by Co-ordinate Bench vide order dated 14.06.2022 passed in Cr. Misc. No. 21914 of 2022, another co-accused Vikash Kumar Singh has also been granted bail by the same Bench vide order dated 14.06.2022 passed in Cr. Misc. No. 21706 of 2022.

Learned APP opposes the prayer for bail submitting that petitioner was apprehended from the spot and from his vehicle, 259.200 litres of India made liquor was recovered.

Having regard to the submissions made on behalf of the parties and considering the submission of charge-sheet along with period of custody of this petitioner and also having



regard to the clean antecedent of the petitioner and grant of bail to the similarly placed co-accused persons, 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 Additional District and Sessions Judge-II-cum-Special Judge Excise-1, Gopalganj in connection with Unchkagaon Sadar P.S. Case No. 62 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be Pramod Kumar, brother of the petitioner, who has sworn the affidavit.
- (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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