

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29162 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- BARACHATTI District- Gaya

Manjeet Kumar @ Manjeet Yadav @ Manjit Kumar, S/o Chandeshwar Singh,
R/o- Khiwat (Bidurpur) Baisali, P.S.- Bidurpur, District- Vaishali, Bihar-
844503

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Roy, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravi Shankar Roy, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Barachatti P.S. Case No. 419 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that while the police personnel were conducting vehicle checking, in the meantime, they intercepted one truck bearing registration no. JHO2F-7356 and on search total 2133.720 liters of Indian made



foreign liquor was recovered. It is further alleged that the driver and khalasi were apprehended at the spot and they disclosed the name of this petitioner, as the owner of the said vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that so far as the disclosure made by the co-accused persons with regard to the petitioner being owner of the truck is concerned, the same is palpably incorrect, as from the RC book, the name of the owner appears to be Rajan Kumar and this petitioner has no concern with the alleged seized truck. It is further submitted that save and except the disclosure made by the apprehended persons, there is no other material, which suggests the complicity of the petitioner in this case and moreover, the petitioner is in custody since 08.04.2022.

On the other hand, learned counsel for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, apart from the



fact that the R. C. record shows that the petitioner is not the owner of the seized truck, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Judge, Gaya in connection with Barachatti P.S. Case No. 419 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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