

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29441 of 2022**

Arising Out of PS. Case No.-11 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Manoj Kumar Singh, Son of Budhan Singh, R/o Village- Dhandhauri, P.S.-  
Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, 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. Ajay Kumar Singh, 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 Charpokhari P.S. Case No. 11 of 2022 registered for the offence punishable under Section 30(a) Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that while the police was on patrolling, two persons on noticing the police party threw two plastic sacks and fled away. The local Chawkidar disclosed the name of the persons, who fled away



from the place of occurrence, as Jitendra Chaudhary and Manoj Kumar (petitioner). On search being made 17.60 liters of illicit wine was recovered.

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. It is further submitted that save and except the disclosure made by the local Chawkidar, there is no other material, which suggests complicity of the petitioner in this case. It is lastly submitted that this petitioner having fair antecedent is in custody since 07.04.2022 and after conclusion of the investigation, the charge-sheet has been submitted.

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, save and except the disclosure of the local Chawkidar there is no other material, apart from the fact that the petitioner is in custody since 07.04.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 11 of 2022, 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.

**(Harish Kumar, J)**

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