

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31752 of 2022

Arising Out of PS. Case No.-414 Year-2021 Thana- WARISLIGANJ District- Nawada

Manish Singh @ Lokesh Kumar Son Of Mukteshwar Prasad Singh Resident
of Village-Khakhari, P.S.-Kashichak, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 30(a) and
41 of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 1920.345 liters of foreign
liquor from a PACS Bhawan and four persons were caught by
the police. During the course of investigation, the apprehended
persons disclosed their names as Bittu Singh, Gyan Singh,
Raushan Singh and Manish Singh (petitioner).

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. Further, it is submitted that the petitioner is not the owner of the said PACS Bhawan and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the allegation against the petitioner and other co-accused is that they visited the PACS Bhawan to purchase wine and this statement has come on the basis of confession only. Learned counsel for the petitioner further submits that another co-accused, namely, Gyan Kumar and Raushan Kumar have been granted bail by this Court vide order dated 06.07.2022 passed in Criminal Miscellaneous No. 10675 of 2022. Further, it is submitted that the petitioner is in custody since 22.10.2021 has antecedent of two cases and charge-sheet has been submitted in the case.

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

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II, Nawada in connection with Warisaliganj P.S. Case No. 414 of 2021, subject to the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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