

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32098 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MANIYARI District- Muzaffarpur

Ramesh Kumar, Son Of Palu Ray, R/O Village- Ward No.-7, Mahua Singh
Sarai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 09-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Maniyari P.S. Case No. 52 of 2022, registered
for the alleged offences under Sections 420, 467, 468, 471, 120
(B), 34 of the Indian Penal Code and Sections 30 (a), 36, 41 (1)
of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 1912.250 litres
of India made foreign liquor was made from a truck and the co-
accused persons were intercepted. The co-accused named this
petitioner who was to receive the consignment along with the



other co-accused persons.

Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been shown from a truck which does not belong to this petitioner. The charge sheet has been submitted and the petitioner is in custody since 07.03.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner appears to be a person dealing with illicit liquor.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he 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 Special Judge, Excise Court No. II, Muzaffarpur, in connection with Maniyari P.S. Case No. 52 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure



and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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