

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42970 of 2021

Arising Out of PS. Case No.-123 Year-2021 Thana- KISHANGANJ District- Kishanganj

Md. Manan Son of Late Md. Islam Resident of Village - Majhauri Dharm Das
Ratwara, P.S.- Sadar Muzaffarpur, Distt.- Muzaffarpur - 842002 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prachi Pallavi, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special Case No. 101 of 2021 arising out of Kishanganj P.S. Case No. 123 of 2021 registered for the offences punishable under Sections 272, 273, 120(B) of the Indian Penal Code and Section 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

According to prosecution case, as per F.I.R., on secret information the police apprehended a tank lorry driven by the petitioner and seized 25,000 liters of spirit used for preparation of liquor and no valid papers of the spirit was submitted by the driver and digital lock of the vehicle was also found open which



shows that the driver and the owner of the tank lorry had intention to sell the spirit in Bihar.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that there is recovery of 25000 liters of Extra Neutral Alcohol (ENA) in the present case. He further submits that the petitioner was carrying the alleged spirit with the valid papers. He also submits that the alleged recovery of E.N.A. is neither the prohibited articles, nor it is an intoxicant or Liquor which has already been decided by this Hon'ble Court, vide its judgement and order dated 03.05.2017 passed in C.W.J.C. No. 1713 of 2017 (Bihar Distillers & Bottlers Pvt. Ltd. Vs. State of Bihar & Ors.) reported in 2017(2) PLJR 818. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-Special Judge, Excise, Kishanganj in connection with Special Case No. 101 of 2021 arising out of Kishanganj P.S. Case No. 123 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 shall remain physically present as directed 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. 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.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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