

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35835 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- AGIAON District- Bhojpur

Manjit Kumar S/O- Late Krishna Singh Resident Of Village- Garhani South
Patti, P.S.- Agion (GARHANI), Dist- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Agion(Garhani) P.S. Case No. 148 of 2021 registered for the alleged offences under Section 420 of the Indian Penal Code and Sections 30(a) and 38(d) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police received information about the petitioner and other co-accused persons bringing illicit liquor on different vehicles. A raid was conducted at an identified place and the petitioner and other co-accused persons



fled away from the spot on seeing the police vehicle. The vehicles left behind by the petitioner and other co-accused persons were seized and on search, recovery of 457.20 liters of India made foreign liquor was made from the said vehicles.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession. He has been named in this case merely on suspicion. The petitioner has no concern with the seized vehicle and the seized liquor does not belong to him. Charge sheet has been submitted in this case and the petitioner is in custody since 23.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner and other co-accused persons have been indulging in illicit trade of liquor

Having regard to the submission made hereinabovoe and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering submission of charge sheet as well as period of custody of the petitioner, the petitioner above named 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 Exclusive Special Excise Court No. 1



or concern court Bhojpur at Ara in connection with Agion (Garhani) P.S. Case No. 148 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

