

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44717 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- PATEPUR District- Vaishali

Manish Kumar @ Raja, S/O Jagdish Sah, R/O Village-Sarairanjan,
(BHATGAMA), P.S-Sarairanjan, District-Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patepur P.S. Case No. 89 of 2021 registered for the offences punishable under Sections 30(a) 32(ii), 38(ii), 41(1) of the Bihar Prohibition and Excise Act, 2018. He is in custody since 16.04.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per the prosecution story, the informant on secret information reached at the given place and caught six persons and found one truck and four four wheeler vehicles and on search the informant recovered altogether 3693.600 litres of illicit liquor from the truck and the other vehicles.



The petitioner was apprehended on the spot along with five other accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 16.04.2021.

Learned counsel submits that nothing incriminating has been recovered from his possession, he is not the owner of the vehicles from which illicit liquors have been recovered and the owner of the vehicles namely Utpal Kumar and Saroj Kumar Singh have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 43374 of 2021 and Cr. Misc. No. 43965 of 2021 respectively.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been falsely implicated, nothing incriminating has been recovered from his possession, he is not the owner of the vehicles from which illicit liquors have been recovered and the owner of the vehicles namely Utpal Kumar and Saroj Kumar Singh have been granted bail by learned co-ordinate Benches of this Court in Cr. Misc. No. 43374 of 2021 and Cr. Misc. No. 43965 of 2021 respectively, the petitioner has no criminal antecedent, he has remained in custody since 16.04.2021 and his presence may be secured in course of trial, this



Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Patepur P.S. Case No. 89 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

