

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45181 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- CHAPRA TOWN District- Saran

Manish Kumar S/o Satya Narayan Prasad Residence of Mohalla- Adda No. 2,
Rupganj, P.S.- Chapra Town, District- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kumari, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 14.3.2021 seeks
regular bail in connection with Chapra Town P.S. Case No. 155
of 2021 registered for the offence punishable under section
30(a), 41(i)(ii) of Bihar Prohibition and Excise Act.

Prosecution case in brief is that while the petitioner
along with illicit liquor loaded on the Tempo bearing
registration no. BR04E-3711 reached near the Thana Chowk,
the same was intercepted by the police after chase. The
petitioner was apprehended on the spot who also disclosed the
name one another co-accused who had fled.

The total quantity of seized country made liquor is



264 liters.

Learned counsel for the petitioner submits that though the petitioner was the driver of the said Tempo yet he had no knowledge as to in whose name the said vehicle was registered. It has further been submitted that nothing was recovered from the possession of the petitioner. The petitioner is innocent and he has clean antecedent and is in custody since 14.3.2021.

Learned counsel for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances, the court below is directed to verify the owner of the said vehicle BR04E-3711 and if it is found that the petitioner is not owner of the said vehicle, the court below shall release the petitioner named above on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Saran at Chapra, in connection with Chapra Town P.S. Case No. 155 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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