

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36837 of 2022

Arising Out of PS. Case No.-101 Year-2017 Thana- KATRA District- Muzaffarpur

Manoj Kumar @ Manoj Rai, Son of Late Meghu Rai, Resident of Village-
Ram Nagar, P.S.-Aurai, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Sharma, Advocate

For the Opposite Party/s : Mr.Binod 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 video conferencing.

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 Katra P.S. Case No. 101 of 2017 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, during night patrolling, a Tata Sumo Gold and a scooty were intercepted and total 109.560 litres of India made foreign liquor was recovered from these two vehicles. The name of the petitioner transpired during



investigation.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and none of the co-accused persons took the name of the petitioner as is apparent from the FIR. The petitioner is neither the owner of the vehicles nor the driver of the said vehicles. Nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the allegedly recovered liquor. The co-accused Munna Sahni has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order 28.02.2018 passed in Cr. Misc. No. 12095 of 2018. The petitioner is in custody since 25.04.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been made from this petitioner and he was not apprehended from the spot and further considering his clean antecedent and also considering the submission of charge-sheet along with his period of custody, 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, Muzaffarpur, in connection



with Katra P.S. Case No. 101 of 2017, 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 the deponent, who has sworn the affidavit.

(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.

(Arun Kumar Jha, J)

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