

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42952 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- KAJRA District- Lakhisarai

Manoj Koda @ Manoj Kora @ Ritesh Koda @ Ritesh Kora, Son of- Madhu Kora Resident of Village - Pachhiyari Tola, Shrikishun Korasi, P.S.- Kajra, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Kajra P.S. Case No. 100 of 2021 registered for the offence punishable under Section 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2018 as also under Section 03 of Bihar Excise (Mahua Flowers) Rules, 2006.

The police on a secret information, raided the house of co-accused 'Prakash Kora' and the petitioner, and on search



total 200 litres of illicit Mahua liquor, 1050 litres of fermented Mahua and other apparatus for manufacturing of liquors were recovered from the house of the petitioner. It is further alleged that on noticing the police party, the petitioner and another succeeded to flee away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession. However, so far the alleged recovery is concerned, the same has been made from a joint residential house of the petitioner, where several family members reside and as such the petitioner cannot be held responsible. He next submits that only because of two past criminal antecedent in identical matter, the name of the petitioner has been implicated in this case and now the petitioner is in custody since 25.02.2022 and the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material



has been recovered and, moreover, the petitioner is in custody since 25.02.2022 and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge V – cum – Exclusive Special Court No. 2, Excise Act, Lakhisarai in connection with Kajra P.S. Case No. 100 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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