

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40799 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Manoj Kumar S/O Basudev Rai Resident of Village- Mohanpur, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Adv
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with P.R. Bypass P.S. Case No. 64 of 2022
for the offences punishable under Sections 30(a),32(3) of
the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that on a
secret information the police intercepted the Piaggio Tempo
and on search total 360 liters smoked liquor was recovered.



It is further alleged that the petitioner was apprehended at the spot.

Learned counsel for the petitioner submits that the petitioner is neither driver nor he has any concern with the illicit liquor and he further submits that the petitioner was a passerby and only on suspicion he was apprehended by the police. He further submits that the petitioner having fair antecedent is in custody since 03.02.2022, though the investigation of the crime is already completed and the charge sheet has been submitted. He next submits that there is no compliance of section 100(4) of the Code of Criminal Procedure as well as Section 81 and 82 of the Bihar Prohibition & Excise Act.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the investigation of the crime is already completed and the charge sheet has been submitted and the petitioner having fair antecedent is in custody since 03.02.2022, let the petitioner, above named, be released on bail on furnishing



bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-Patna in connection with Special Case No. 703 of 2022 arising out of P.R.Byepass P.S.Case No. 64 of 2022 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.

(Harish Kumar, J)

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