

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41268 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Manish Kumar, S/O Maheshwar Ray @ Mahesh Ray R/o Village- Lalpokhar,
P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Sunil Kumar Singh, 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 Hajipur Sadar P.S. Case No. 225 of 2022 registered for the offences punishable Sections 420, 467, 468 of the Indian Penal Code and Sections 30(a), 32(ii), 36, 41(i) of the Bihar Excise Act.

The police on a secret information that a ten wheeler stolen truck was parked at Ramai Ram Petrol Pump, conducted a raid and apprehended one person, namely, Abbas. The



apprehended person disclosed the name of the petitioner and one another co-accused person, as consignee of the illicit wine. On search, total 3015 litres of Indian made foreign liquor was recovered from the truck.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered and, moreover, the petitioner has neither any concern with the truck nor with the illicit recovered wine. Save and except the disclosure made by apprehended co-accused person, there is no material suggesting the complicity of the petitioner. He next submits that only because of the past criminal antecedent, his name has been implicated in this case, though the petitioner is on bail in other two cases, mentioned in paragraph no. 3 of the application. He lastly submits that now the investigation of the crime is already completed and charge-sheet has been submitted, though the petitioner is in custody since 05.05.2022.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person alleging the



petitioner to be consignee of the illicit wine, there is no material against the petitioner and another co-accused person, having identical allegation, has already been granted anticipatory bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 41631 of 2022 vide order dated 29.08.2022, 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 Court of Exclusive Special Excise Court -I cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 225 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.



(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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