

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42560 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- DHANARUA District- Patna

Manish Shah S/O Devendra Sah Resident Of Village- Madhav Mills,
Jamunapur, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 420 of the Indian Penal Code and Sections 30(a), 32(I) (II), 36 and 34(I) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that total 1448.280 liters of foreign liquor is said to have recovered from the different vehicles. He submits



that there is no recovery from the conscious possession of the petitioner rather 8.640 liters of English wine is said to have recovered from a seized Honda Activa Scooty bearing Reg. No. BR01FM-1173 of which petitioner is the owner. He submits that the said vehicle was taken by his neighbor for the purpose of taking medicine and after some time petitioner known that his motorcycle was intercepted by police. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) in the account of Member Secretary Bihar State Legal Services Authority, bearing No. 0380000100252472, IFSC Code: PUNB0038000, Punjab National Bank, Patna.

Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Spl. Case No.1519/222 arising out of Dhanarua P.S. Case No. 132 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Member Secretary Bihar State Legal Services Authority, Patna.

(Anjani Kumar Sharan, J)

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