

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42284 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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KRISHNA CHANDRA MISHRA @ RAJA MISHRA Son of Late Arun
Kumar Mishra Resident of village- Maheshwara Ward no 8, P.S- Nawkothi,
Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44425 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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MANISH KUMAR @ SINTU SINGH @ SINTU KUMAR S/o Ajay Kumar
Singh R/o village- Maheshwara Ward No. 6, P.S.- Nawkothi, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 42284 of 2022)

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Suresh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 44425 of 2022)

For the Petitioner/s : Mr.Randhir Kumar No.1

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners seek bail in connection with Nawkothi



P.S. Case No. 87/2022 registered for the offences punishable under Sections 188, 290, 444, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 533.52 liters foreign liquor behind the house of Gopal Choudhary, 45 liters foreign liquor from Maruti Suzuki, 09 liters foreign liquor from Apache motorcycle, total 587.52 liters. It is alleged that petitioner, Krishna Chandra Mishra @ Raja Mishra apprehended on the spot and he disclosed the name of petitioner, Manish Kumar @ Sintu Singh @ Sintu Kumar and others who were involved in liquor business.

Learned counsel appearing for the petitioner, Krishna Chandra Mishra @ Raja Mishra submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 13.06.2022 and bears no criminal antecedent. Seizure list has not been prepared as per law. Learned counsel for the petitioner further submits that the petitioner has neither concerned with the alleged seized vehicles nor concerned with the place of occurrence from where liquor was recovered.

Learned counsel appearing for the petitioner, Manish



Kumar @ Sintu Singh @ Sintu Kumar submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 06.07.2022 and he was remanded in this case from Khodawanandpur P.S. Case No.184/2022. The petitioner bears criminal antecedent of three cases out of which two cases are of similar nature. Seizure list has not been prepared as per law. The petitioner was not apprehended on the spot. The name of petitioner surfaced in this case on the basis of confessional statement of petitioner, Krishna Chandra Mishra @ Raja Mishra. The petitioner has neither concerned with the alleged seized vehicles nor concerned with the place of occurrence from where liquor was recovered.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner, Manish Kumar @ Sintu Singh @ Sintu Kumar above named be released on bail **after framing of charge** and the petitioner, Krishna Chandra Mishra @ Raja



Mishra above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai in connection with Nawkothe P.S. Case No. 87/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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