

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42207 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- DHANKUND District- Banka

MANISH KUMAR Son of Late Narayan Mandal Resident of Village - Mahua
Bazar, P.s.- Basnahi, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Uday Chand Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Dhankund P. S. Case No. 44 of 2022 (Excise Case No. 447 of 2022) registered for the offences punishable under Sections 30 (a) and 32 (2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, in course of patrolling duty, intercepted a car and



apprehended the petitioner at the spot. On search, altogether 106.920 litres illicit foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concern with the car nor with the alleged illicit liquor. It is also submitted that the petitioner being one of the passengers of the car was travelling from it, however, on noticing, the police party, the accused persons, who were carrying the illicit liquor succeeded in fleeing away. The petitioner being passenger remained seated there. It is also submitted that the petitioner having fair antecedent, is in custody since 16.05.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner having fair antecedent, is in custody since 16.05.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted, let the petitioner, above named, 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 District and Sessions Judge- II, Banka in connection with Dhankund P. S. Case No. 44 of 2022 (Excise Case No. 447 of 2022), subject to the condition that one of the bailors will be the close relative 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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