

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46484 of 2022

Arising Out of PS. Case No.-441 Year-2021 Thana- MANIYARI District- Muzaffarpur

Himanshu Kumar S/O Rama Nand Ray @ Rama Ray Resident of Pakahi,
P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Amresh Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Maniyari P.S. Case No. 441 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The police on a secret information that the petitioner is engaged in concealment of illicit wine, conducted raid and on search total 641.385 liters of Indian made foreign liquor was recovered from a cermatorium, near Pakahi, Power Grid. It is also alleged that the petitioner has been identified by the local



Chaukidar, while fleeing away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure of the name of the petitioner made by the local Chaukidar, there is no materials suggesting the complicity of the petitioner. He further submits that the petitioner having fair antecedent, is in custody since 27.05.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted.

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 the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that the alleged illicit wine was recovered from an open place accessible to all, moreover, the petitioner having fair antecedent, is in custody since 27.05.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



(Excise) Court No.-II, Muzaffarpur, in connection with Maniyari P.S. Case No. 441 of 2021, 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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