

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49257 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- SARAIYA District- Muzaffarpur

Manish Kumar Son Of Raj Kishor Sah R/O Village- Basantpurpatti, P.S.-
Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Saraiya

P.S. Case No. 377 of 2022 corresponding to GR No. to 620

of 2022, registered for the offences punishable under

Sections 272 and 273 of IPC and Section 30(a) of Bihar

Prohibition and Excise Act and Section 20 of 2022 of NDPS

Act.

As per allegation, 20.100 litres of illicit foreign

liquor and 500 gm *Ganja* was recovered from the shop of

the petitioner.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation is totally false, fabricated and concocted. He also submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the search and seizure has not been made as per the provisions of Cr. P.C. and N.D.P.S Act.

The petitioner has been languishing in jail since 06.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the quantity of the recovered contraband, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of Special Judge (Excise), Court No-II, Muzaffarpur in connection with Saraiya P.S. Case No-377 of 2022, corresponding to GR No. to 620 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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