

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49948 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

MD. SAUBRATI MANSURI SON OF LATE MD. RASUL MANSURI R/O
VILLAGE- AKAHARA KHOPA, P.S.- FULPARAS, DISTRICT-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Durgawati P.S. Case No. 38 of 2022 registered for the offences
punishable under Sections 414, 467, 468 of the Indian Penal
Code read with Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 846.72 litres illicit liquor from the Tata pickup van in
question. The petitioner is alleged to be the driver of the said
pickup van and apprehended on spot.



Learned counsel for the petitioner submits that petitioner is in custody since 01.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not the owner of the said vehicle. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is quite innocent and has not committed any offence as alleged in the F.I.R. Petitioner has no concern with the recovered liquor. Petitioner is neither producer nor seller of wine.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Alok Kumar



Pandey-I, learned Special Judge – II, Excise, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 38 of 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) Petitioner 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 petitioner tampers 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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