

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49322 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MANIGACHI District- Darbhanga

Krishna Kumar Choudhary, S/o Mahesh Kumar Choudhary, R/o B- 66, Patel Garden, Kakodha More, P.S.- Dwarka, Post Office- Dwarka, South West Delhi, PIN- 110078.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Kumar, Advocate
Mr. Brajesh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-09-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the mother of the petitioner is missing since 25.08.2022.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Manigachhi P.S. Case No. 52 of 2022, registered for the alleged offences under Section 420 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.



As per prosecution case, the police received information about smuggling of India made foreign liquor by 3-4 vehicles. The identified vehicles were intercepted and the co-accused persons were apprehended. Recovery of 1052.5 liters of India made foreign liquor was made from the intercepted vehicles. The co-accused named this petitioner as the person who had been working as liner in the trade of illicit liquor.

Learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He has been named in this case merely on the basis of fact that the co-accused was in contact with him on his mobile phone, but the said mobile phone was not seized. Except for the disclosure made by the co-accused, there is nothing against this petitioner. The charge sheet has been submitted and the petitioner is in custody since 25.06.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean



antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Darbhanga, in connection with Manigachhi P.S. Case No. 52 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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