

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50123 of 2022**

Arising Out of PS. Case No.-168 Year-2019 Thana- MAHUA District- Vaishali

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MANOJ KUMAR @ MANOJ RAI SON OF BIMAL RAI R/O MAHUA  
SINGH RAY, P.S.- MAHUA, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      26-09-2022                      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 Mahua  
P.S. Case No. 168/2019 registered for the offences punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of  
total 124.920 liters foreign liquor from the Bathan of petitioner.  
The Chaukidar and local people disclosed the name of petitioner  
and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case due to local politics. The petitioner is not apprehended on



the spot. Nothing has been recovered from either conscious possession or the house of the petitioner. The petitioner is languishing in custody since 05.06.2022 and bears no criminal antecedent. He further submits that Chaukidar and local people identified the petitioner and others who fled away from the place of occurrence and there is no compliance of Section 100 Cr.P.C.

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, period of custody, petitioner is not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named 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 Court of 1<sup>st</sup> another Special Excise Court-2nd cum Additional Sessions Judge, Hajipur, Vaishali in connection with Mahua P.S. Case No. 168/2019, 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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