

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49848 of 2022

Arising Out of PS. Case No.-163 Year-2022 Thana- MANIYARI District- Muzaffarpur

Rambabu Singh, Son Of Late Mahendra Singh, R/O Village- Sonbarsa Dih,
P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Maniyari P.S. Case No. 163 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 117 litres of
India made foreign liquor was made from the house of the
petitioner when a raid was conducted on secret information. At
the instance of the petitioner further recovery of 72 litres was
made from the motorcycle and the house of the co-accused
Manoj Sah.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession or even from his house and the recovery has been shown from the storage of husk belonging to the joint family. There is violation of the provisions of law as there is no independent witness to the seizure. The petitioner is in custody since 30.05.2022 and the charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named 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) Court No.-II, Muzaffarpur in connection with Maniyari P.S. Case No. 163 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)

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