

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50070 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- LAKHNAUR District- Madhubani

Manish Kumar @ Manish Kumar Roy, Son of Shibu Roy, Resident of village
- Lakhsaur, P.S. Lakhsaur, District - Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Akbar Ali, 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), if any, 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 Lakhsaur P.S. Case No. 02 of 2022 registered
for the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018 and Section 25 (1-b)a, 26,
35 of the Arms Act.

As per prosecution case, the police received
information about co-accused persons making a quarrel in
drunken condition and they were apprehended by the police and
at their instance further raid was conducted at the shop of this
petitioner and from the said shop, 750 ml of India made foreign



liquor and 20.7 liters of Nepali country made liquor, respectively, were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as nothing incriminating has been recovered from his conscious possession. Recovery of country made *katta* (gun) has been shown from the co-accused Sujit Kumar Mandal. The preparation of seizure list is illegal since it does not bear any signature either of the petitioner or his members. The petitioner is in custody since 13.01.2022 and charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

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 nature of recovery and further considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Lakhnaur P.S. Case No. 02 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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