

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60019 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- MANJHI District- Saran

Mohit Kumar S/O Dharmbir R/O Village-Kasni, Chakki Dadri, P.S.-BOND
Kalan, District-Bhiwani (HARYANA).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Manjhi P.S.Case No. 57 of 2021 for the offences
punishable under Sections 272, 273/34 of the Indian Penal
Code.

As per the prosecution case, it is alleged that on secret
information, the police raided the house of co-accused Dhela@
Pintu Choudhary from where a truck bearing registration no-HR
46C-3444 was recovered. It is alleged that from the said truck,
on search, police recovered 2656 liters of foreign made liquor.

Learned counsel for the petitioner submits that the



name of petitioner has been disclosed by co-accused Bishnu Kumar, who is said to be driver of the seized truck. It is submitted on behalf of the petitioner that petitioner happens to be the owner of the said truck and he has no concern with the alleged recovery and infact the truck was given on rent/fare. It is next submitted that the petitioner was neither arrested on the spot nor anything has been recovered from possession of this petitioner. It is also submitted that the driver of the truck, who was arrested on the spot has been granted bail by co-ordinate Bench of this Court in Cr. Misc. 36578 of 2021 vide order dated 23.12.2021. The copy of the order has been kept on record. It is lastly submitted that this petitioner is in custody since 04.08.2021 and moreover, the investigation has been concluded and the charge sheet has submitted.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that huge quantity of liquor has been recovered from truck of which petitioner is owner and further this petitioner has found involved in six other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that, petitioner was neither arrested on the spot nor any material has been recovered from possession of this petitioner. Apart from the fact that co-accused



person, who is said to be driver of the truck has already been granted bail by this Court, let the petitioner, above named, 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 Additional Chief Sessions Judge 2nd cum Special Judge, Excise, Saran at Chapra in connection with Manjhi P.S.Case No. 57 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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