

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51613 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- ISUAPUR District- Saran

Manan Singh Son of Anil Singh Resident of village - Gangoi, P.S.- Ishuapur,
District - Chapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 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 Ishuapur P.S. Case No. 158 of 2022 registered
for the alleged offences under Sections 30 and 30(a) of the Bihar
Prohibition and Excise (Amendment) Act.

As per prosecution case, recovery of total 110 litres of
country made liquor was made from a bamboo clump situated in
front of the house of the petitioner. The petitioner fled away
when the raid was being conducted on secret information at
another place prior to search and recovery made in front of the
house of the petitioner.



The learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner who was not apprehended from the spot. From the FIR itself it is clear that the recovery has been made from an open place. Though, the petitioner is having criminal antecedent of seven cases of similar nature but in most of the cases there was no recovery from his possession and he has been granted bail by this Court. The petitioner is in custody since 26.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering his period of custody along with the submission of charge-sheet, 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 1st Exclusive Special Judge, Excise, Saran, Chapra in connection with Ishuapur P.S. Case No. 158 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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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