

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54164 of 2022

Arising Out of PS. Case No.-294 Year-2022 Thana- PHULWARIYA District- Gopalganj

Manish, Son Of Late Murlidhar, Resident Of Village- Seuwa, P.S.- Rajgarh,
District- Churu (rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-11-2022 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 Phulwariya P.S. Case No. 294 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, during a drive against
trafficking of illicit liquor, vehicles were being checked. During
one such checking, a driver of the car tried to flee away with his
car but the said car was intercepted and the petitioner was
apprehended with the car. From search of this car 327.600 litres
of India made foreign liquor was recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern either with the car or the seized liquor. Being annoyed with the petitioner, the police personnel lodged the FIR against him. Petitioner is neither the owner nor the driver of the vehicle in question and he is not involved in sell and purchase of the liquor and is no way connected with the seized liquor. The petitioner is in custody since 07.07.2022 and the charge-sheet has been submitted in this case. The petitioner has got 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 fact that the petitioner has got no criminal antecedent and further considering his period of custody along with 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 Additional Sessions Judge-II-cum-Special Judge Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 294 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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