

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57144 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- PATEPUR District- Vaishali

MANISH KUMAR, Son of Veerchandra Rai R/V- Lakhanipur Maudah, P.S-
Patepur in th District of Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Patepur P.S. Case No. 208 of 2022 registered
for the alleged offences under Sections 30(a), 32(ii), 38(ii) and
41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, on the basis of secret
information, police conducted a raid and from two four-wheeler
and two motorcycles, 1057.32 liters of India made foreign
liquor was recovered. Two co-accused persons were
apprehended and other accused persons were fled away from the
spot. The apprehended co-accused person named this petitioner

as one of the accused persons who fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the either seized vehicle or the seized liquor or the apprehended co-accused persons. Charge sheet has been submitted in this case and the petitioner is in custody since 26.08.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Excise Court No. 2 Vaishali at Hajipur in connection with Patepur P.S. Case No. 208 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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