

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65563 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- BIBHUTIPUR District- Samastipur

MANNU DAS @ ABHIMANYU DAS Son of Ramnaresh Das Resident of
village - Ward - 9, Mahamadpur Shakra, P.S.- Vibhutipur, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Vandana

For the Opposite Party/s : Ms.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Vibhutipur Police Station Case No. 167 of 2020, registered for
the offences punishable under Sections 272/273 of the IPC and
Section 30(a) of Bihar Prohibition & Excise Act, 2016.

The prosecution case, as per First Information Report,
is that the police, on the basis of secret information, intercepted
two vehicles, i.e., one Tata Pick-up Van and one Truck, and
recovered a total quantity of 5418 litres of illicit liquor from the
two vehicles.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and he has falsely been implicated this case with oblique motive. She further submits that the petitioner is neither the owner nor the driver of any of the vehicles and the name of the petitioner has transpired on the basis of confessional statement made by one co-accused, Kamlesh Kumar Mahto, who was arrested on the spot. She further submits that nothing has been recovered from the conscious possession and/or vehicle or premises belonging to the petitioner. She next submits that co-accused, Kamlesh Kumar Mahto, has been granted bail by a Co-ordinate Bench of this Court, vide order passed in Criminal Misc. No. 25408 of 2020. She further submits that similarly situated co-accused Osho Rajnish has been granted bail by this Court, vide order passed in Criminal Misc. No. 29319 of 2021. She further submits that the petitioner is in custody since 27.09.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that nothing has been recovered from the possession of the petitioner, he is neither the driver nor the owner of any of the vehicles, he is in custody



since 27.09.2021, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and there is no likelihood of the trial being concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 2nd Additional Sessions Judge –cum- Special Judge, Excise, Samastipur, in connection with Vibhutipur Police Station Case No. 167 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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