

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56685 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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MANISH KUMAR, Son of Sri Nagina Mahto, Resident of Mohalla- Chhoti
Pahari, Ward No. 56, P.S- Agamkuan, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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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 Hajipur Prohibition and Excise P.S. Case No.
142 of 2022 registered for the alleged offences under Sections
30(a), 32(1), 41(1) and 41(2) of Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, police received secret
information about illicit liquor being transported in a car. A car
was intercepted and search being made by the police, total 250
litres of illicit country made liquor was made from the seized



car. The petitioner was apprehended from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern either with the recovered alcohol or the vehicle from which the alcohol was recovered. The petitioner had gone to Hajipur for some work and while he was returning to Patna and waiting for an auto, the driver of the said vehicle gave him lift and when they reached Mahatma Gandhi Setu, after seeing the police party, the driver of the said car ran away leaving the petitioner in the car. Nothing incriminating has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 25.07.2022. The petitioner has got clean antecedent.

Learned APP 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 fact of 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 Hajipur Excise P.S. Case No. 142 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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