

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57471 of 2022

Arising Out of PS. Case No.-462 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Monu Kumar Son of Dasrath Ram @ Dashrath Prasad R/V- Saristabad,
Nayatola, P.S- Gardanibagh, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Mohania P.S. Case No. 462 of 2022 registered
for the alleged offences under Sections 30(a) and 41(i) of the
Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, total 360 litres of India made
foreign liquor was recovered from a Sumo vehicle being driven
by the petitioner who was apprehended from the spot.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Nothing incriminating has been recovered from his



conscious possession. The petitioner is merely a driver. The search and seizure were not made following the provisions of Section 100 of Cr.P.C. Except for police personnel, there are no independent witnesses to the alleged occurrence. The petitioner is in custody since 22.08.2022 and charge-sheet has been submitted. The petitioner is having 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 no recovery has been shown from him and further considering his clean antecedent along with his period of custody and 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 Special Judge Excise No.1-cum-Additional District Judge-IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 462 of 2022 , subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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