

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59958 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- JANDAHA District- Vaishali

Manoj Singh @ Manoj Kumar, Son Of Digvijay Singh @ Vijay Singh, R/O
Village- Dhandhua, P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner today that the wife of the petitioner is suffering from breast cancer and no male member is there in the family to look after her.

Heard learned counsel for the petitioner and learned APP for the State.

In the present case, the petitioner seeks bail in connection with Jandaha P.S. Case No. 239 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 267.480 liters of India made foreign liquor was made from a tractor and the allegation against the petitioner is that he along with co-accused



persons fled away from the said tractor when it was being intercepted.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was neither apprehended from the spot nor anything incriminating has been recovered from his possession. The petitioner is neither the owner of the seized tractor nor he has anything to do with the recovery made from the tractor. The police has very conveniently named the petitioner in the case without having any material to implicate him. The petitioner is in custody since 21.09.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody and clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 239 of 2021, 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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