

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71721 of 2021

Arising Out of PS. Case No.-243 Year-2021 Thana- SONBERSA District- Sitamarhi

Manoj Kumar, S/o Late Mahendra Pandit R/o Village - Sonbarsa, Ward No. -11, P.S. - Sonbarsa, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-07-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Sonbarsa P.S. Case No.243 of 2021 instituted under Sections 414 of the Indian Penal Code and 30(a) Bihar Prohibition and Excise Act, 2016.

As per the FIR, the police got information and thereafter intercepted amongst other the petitioner herein and it is alleged that altogether 777 liters of Nepali Soufi wine of 300 ml each was recovered/seized. It has further been alleged that from the motorcycle 23 bottles of English wine which comes to around 4 liters 335 ml was also recovered/seized, accordingly the petitioner was taken into judicial custody.

Learned counsel for the petitioner submits that the



alleged tempo does not belong to him and he had little knowledge of the presence of the wine beside it. He further submits that even the motorcycle does not belong to him but all the recovery/seizure has been attributed to him and which has resulted into he is being in custody since 06.09.2021 (as stated in para-17 of the bail application).

Taking into account that the petitioner do not have any criminal antecedent and is in custody since 06.09.2021 and charge sheet stands submitted, let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Sonbarsa P.S. Case No.243 of 2021 to the satisfaction of learned A.D.J.,Ind-cum-Special Judge, Excise Act Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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