

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.646 of 2022

Arising Out of PS. Case No.-183 Year-2019 Thana- BAHADURGANJ District- Kishanganj

Manish Kumar Bharti @ Pintu Chaudhary Son Of Chandrakishor Bharti
Resident Of Village- Tumha, P.S- Pipra, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Bahadurganj P.S.Case No.183 of 2019 corresponding to Special Case No.213/2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 18.09.2021. The petitioner has got one criminal antecedent.

Learned counsel for the petitioner as per the prosecution story, on secret information the S.H.O. of Bahadurganj police station intercepted one Scorpio vehicle and



from the said vehicle 281 liters of illicit liquor and Rs.20,400/- in cash were recovered. It is alleged that on interrogation the driver of the vehicle Prince Kumar Chaudhary disclosed that Barun Yadav and Pintu Chaudhary (the petitioner) brought the wine from West Bengal and involved in sale of the same in nearby districts.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and his name has transpired in the confessional statement of the co-accused Prince Kumar Chaudhary. It is submitted that the petitioner is in custody in connection with this case since 18.09.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that there is no recovery from the conscious possession of the petitioner, his name has transpired in the confessional statement of the co-accused Prince Kumar Chaudhary, he is in custody in connection with this case since 18.09.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on



bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Kishanganj in connection with Bahadurganj P.S. Case No.183 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

