

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67555 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Manish Bhardwaj Son of Satveer Bhardwaj R/V- Shamsheerpur, P.S- Murad Nagar, Dist- Ghaziyabad, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Motipur P.S. Case No. 183 of 2022 registered for the offence under Sections 467, 468, 471, 120(B) of the Indian Penal Code and Section 30(a), 32, 36, 41(i) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 12.05.2022.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of



1785.975 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was apprehended under wrong impression, as the bus, which was parked near hotel, from where, alleged recovery of illicit liquor was made, petitioner was taking his dinner and as such, it cannot be said that the alleged recovery was made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Motipur P.S. Case No. 183 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge
Excise, Court-II, Muzaffarpur/concerned court, subject to the
conditions, as mentioned under Section 437(3) of the Cr.P.C,
with further condition:

“That Accused/Petitioner shall cooperate
in the trial and shall be physically present on each
and every date before the Trial Court till conclusion
of the trial and exemption from physical
appearance be allowed by the Trial Court, only on
medical ground of the petitioner duly supported by
the document.”

(Chandra Shekhar Jha, J.)

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