

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2976 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- BELSAND District- Sitamarhi

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MANOJ SAH, S/O HARISHCHANDRA SINGH R/V- PACHNAUR, WARD
NO. 12, MURARHI TOLA, P.S.- BELSAND, DISTRICT-SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Ms.Meena Singh, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2023 It is submitted by learned counsel for the petitioner that soft copy of the supplementary affidavit has been filed by the petitioner and permission is required to file its hard copy before this Court.

Permission is accorded and accordingly hard copy of the supplementary affidavit filed by the petitioner is directed to be kept on record.

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

Petitioner seeks regular bail in connection with Belsand P.S. Case No. 107 of 2022 registered for the offence(s) punishable under Section(s) 30(a) of Bihar Prohibition and Excise Act.

As per the prosecution, 210.345 litres of foreign



liquor was recovered from a Scorpio vehicle.

The main submissions advanced by the learned counsel for the petitioner are that the petitioner is neither the owner nor the driver of the alleged Scorpio vehicle from which the recovery of the alleged wine was made, petitioner was not apprehended at the spot and he has been dragged in this case merely on the basis of disclosure made by some villagers who had gathered at the time of search and seizure of the alleged vehicle and co-accused Ajay Kumar @ Ajay Kumar Srivastava, who happens to be the owner of the alleged Scorpio vehicle, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.68407 of 2022 and petitioner has been languishing in jail since 03.09.2022 without any cogent reason.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner's custody period and also the facts that he was not apprehended at the spot and the co-accused, as mentioned above, has been granted bail by a co-ordinate Bench of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be



released on bail on furnishing bail bond of Rs.10,000/-(Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned in connection with Belsand
P.S. Case No. 107 of 2022.

(Shailendra Singh, J)

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