

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3703 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

=====

Manish Kumar, Son of Vidyadhar Chaudhary @ Bidhadhar Chaudhari,
Resident of Village- Murwa Chandauli, P.S.- Tajpura, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Dumariyaghat P.S. Case No. 252 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police started a drive against smuggling of illicit liquor and a Hyundai Xcent Car was intercepted on secret information and the petitioner is stated to be the driver who was apprehended along with his vehicle. On search of the vehicle, recovery of 152.640 litres of India made foreign liquor was made.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and he has no concern with the allegedly recovered illicit liquor. The petitioner was driving the car in good faith after the co-accused handed him over the car to drive the same upto Samastipur. The police under coercion and threat obtained the signature of the petitioner on the plain paper and used it to prepare the seizure list. None of the witnesses on the seizure list are independent witnesses and all of them are official witnesses. There is non-compliance of Section 100 of Cr.P.C. The petitioner is in custody since 28.11.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is stated to be the driver and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise Court No.-II, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 252 of 2022, 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

