

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5443 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- UCHKAGAON District- Gopalganj

Manu Patel Son of Vidyanand Patel @ Vdiya Patel Resident of Village-
Jamsor, P.S.- Uchkagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
19.12.2022, in connection with Uchkagaon P.S. Case No. 263 of
2022, F.I.R. dated 05.08.2022 registered for the offences
punishable under Sections 30(a)(b) of the Bihar Prohibition and
Excise Amendment Act 2022.

Recovery is of 612 litres of country made liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case on the basis of the disclosure made by the co-
accused person. He further submits that it appears from the
F.I.R. as well as seizure list that nothing has been recovered
from the conscious possession of the petitioner rather recovery



has been made from the Suzuki car in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and there is non-compliance of Section 100 of the Cr. P.C.. He further submits that similarly situated co-accused person Ashok Singh has been granted bail by a Coordinate Bench of this Court vide order dated 04.01.2023 passed in Cr. Misc. No. 62871 of 2022, another co-accused person namely Rajesh Singh has been granted bail by a Coordinate Bench of this Court vide order dated 06.01.2023 passed in Cr. Misc. No. 63411 of 2022, another co-accused person namely Vikash Kumar @ Bullet Singh has been granted bail by a Coordinate Bench of this Court vide order dated 19.04.2023 passed in Cr. Misc. No. 625 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more case other than the present one but fairly submits from paragraph-3 of the petition that out of seven cases, in two cases the petitioner is on bail .

Considering the facts and circumstances of the case,



nothing has been recovered from the possession of the petitioner and he has no concern at all with the alleged recovery of illicit liquor, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise Court No. 1, Gopalganj in connection with Uchkagaon P.S. Case No. 263 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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