

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5203 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- SAHEBPUR KAMAL District- Begusarai

MANISH AGARWAL @ MANISH KUMAR JAISWAL S/o Shri Arun Kumar Jaiswal @ Arun Choudhary R/o Village- Raghopur ward no. 12, P.S.- Raghopur, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 26.11.2022 in connection with Sahebpur Kamal P.S. Case No.06 of 2022, F.I.R. dated 08.01.2022 registered for the offence punishable under Sections 120(b), 414 and 420 of IPC and Sections 30(A),36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 5117.76 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case mainly on the basis of the disclosure made by co-accused person, namely, Sultan Singh @ Nishan Singh. Further submits that nothing has been recovered from conscious possession of



the petitioner rather the recovery has been made from the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and against whom, the name of the petitioner has been transpired, namely, Sultan Singh @ Nishan Singh has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.01.2023 passed in Cr. Misc. No. 22099 of 2022. Further submits that the father of the petitioner was also implicated in the present case, who has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 16.08.2022 passed in Cr. Misc. No.27301 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the case, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, 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 learned Exclusive Special



Judge Excise Court No.-II, Begusarai in connection with
Sahebpur Kamal P.S. Case No.06 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, 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 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.

(Rajesh Kumar Verma, J)

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