

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7722 of 2023

Arising Out of PS. Case No.-553 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Manoj Kumar Paswan @ Manoj Paswan S/O Lallan Manjhi Resident Of
Village- Bhagwan Pur, P.S.- Fulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kochaikot P.S. Case No. 553 of 2022 registered under sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 1270.080 liters of country made liquor from the truck bearing Registration No. UP-51T-7273 and the petitioner was arrested by the police on spot and on interrogation, he said that he is the owner-cum-driver of the said truck.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. It is



further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the seized illicit liquor. There is no independent witness of the seizure list. Moreover, he is languishing in judicial custody since 28.12.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioner has been arrested on spot with the said truck by the police where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 40,000/- (Rs. Forty Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kochaikot P.S. Case No. 553 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 the Additional District & Sessions Judge-IV-cum-Spl. Excise Court-II, Gopalganj.

The bail bonds of the petitioner shall be accepted by



the learned lower Court below on showing the receipt of deposit of Rs. 40,000/- (Rs. Forty Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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