

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17989 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- AURANGABAD TOWN District-
Aurangabad

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MANTU KUMAR Son of Suryadeo Singh Yadav Resident of Rampur, P.S.-
Jamhore, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
03.02.2023 in connection with Town P.S. Case No. 77 of 2023,
F.I.R. dated 02.02.2023 registered for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Recovery is of 259.200 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that it appears from the FIR as well as the
seizure list that nothing has been made from conscious
possession of the petitioner rather the recovery has been made
from the Car in question and the petitioner is neither the owner



nor the driver of the 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 Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.02.2023.

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

Considering the aforesaid fact, nothing has been made 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 Special Judge, Excise-I, Aurangabad in connection with Town P.S. Case No. 77 of 2023, 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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