

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28429 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

MANOJ KUMAR Son of Raj Kumar Ram, Village- Dharhara P.S.- Town Ara
Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-05-2023 1. Heard learned counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Chainpur P.S. Case No. 90 of 2023, dated 08.04.2023 registered for the offences punishable under Section 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 199.8 litres of *foreign liquor* and the same is stated to have been recovered from a *Car* and as per allegation, this petitioner and co-accused Akhilesh Kumar, were arrested at the spot of recovery from the alleged vehicle and the said co-accused



Akhilesh Kumar, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 28639 of 2023 and petitioner's case is completely identical to the said co-accused and against him there is criminal antecedent of one case in which he is on bail and he has been languishing in jail since 09.04.2023 and the alleged wine was not recovered from conscious possession of this petitioner. Further submissions are that during investigation no independent witness supported the allegation levelled against the petitioner and petitioner has no concern with the seized vehicle and the petitioner has been wrongly shown as having been arrested from the alleged vehicle.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned in connection with Chainpur
P.S. Case No. 90 of 2023.

(Shailendra Singh, J.)

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