

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37116 of 2023

Arising Out of PS. Case No.-336 Year-2019 Thana- SAHPUR District- Patna

MANISH KUMAR Son of Sri Mangal Rai @ Mangal Roy Resident of village
- Chhitnawan, P.s - Maner, Distt - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023

Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Special
Excise Case No. 7519 of 2019 arising out of Shahpur P.S. Case
No. 336 of 2019 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
250 litres Mahua country made liquor from the Car bearing no.
BR01-DT-2655 in question.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.04.2023 and bears no criminal
antecedent. He further submits that petitioner is not
apprehended on spot. Name of present petitioner has been



transpired in this case as he is the owner of said car. Nothing has been recovered from conscious possession of the petitioner. Petitioner has no knowledge about the alleged recovery as the driver has taken away the car for booking.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 7519 of 2019 arising out of Shahpur P.S. Case No. 336 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

Nitin/ Amit

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