

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48635 of 2023

Arising Out of PS. Case No.-377 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

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MANISH PANDEY @ MONU PANDEY son of Dharmendra Pandey
Village- Chenari Ps- Chenari Dist- Rohas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with

Mohania P.S. Case No. 377 of 2023 registered for the offence

under Section 414 of the Indian Penal Code and Section 30(a)

and 47 of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 10.06.2023.

4. The allegation against the petitioner is to be



engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 137.160 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the alleged vehicle, where petitioner is neither the owner nor connected in any manner with the alleged vehicle and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Mohania P.S. Case No. 377 of 2023



on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise No.1, Kaimur at Bhabua/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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