

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50735 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- KATEYA District- Gopalganj

=====

MANTU PATEL SON OF RAMBILASH PATEL RESIDENT OF VILLAGE
KONHAWALIA BHARTHRAI PS TARKULWA DISTRICT DEWARIA
UTTAR PRADESH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection
with Kateya P.S. Case No. 295 of 2023 registered under
Sections 414/34 of the Indian Penal Code and Section 30 (a)
of the Bihar Prohibition and Excise Act, 2018 lodged on
26.06.2023 by the informant, Riyaz Hussain.

As per the prosecution story, on interrogation,
both the vehicle and the person present in the ‘*Scorpio*’
escaped while another persons sitting on the motorcycle
were apprehended. These two persons were Mantu Patel



and Manish Paswan. Further, from gunny bag 649.440 liters of foreign wine was recovered/seized.

As per the petition, from the motorcycle, 36.0 liters and from the 'Scorpio', 51.480 liters of foreign wine was recovered. The petitioner is the owner of the '*Scorpio*'.

It is the contention of the learned counsel for the petitioner that Pintu Jaiswal had kept the carton in the 'Scorpio' and when the police signaled, he managed to escape, he had no knowledge that there is presence of wine in the '*Scorpio*'. Further submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner would like to pay Rs. 10,000/- with the Patna High Court Legal Services Committee. The last submission is that the petitioner has no criminal antecedent and do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail stating that the car belongs to him.

Considering the submissions put forward by the learned counsel for the petitioners as also the fact that the petitioner do not have criminal antecedent, FIR lodged and ultimately he will have to face the trial, this Court is



inclined to grant him privilege of bail, subject to undertaken given by him as stated above.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge -II cum Special Excise Court No. 1, Gopalganj in connection with Kateya P.S. Case No. 295 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the



evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

