

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52628 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- DIGHWARA District- Saran

Vishal Kumar, Son of Sipahi Manjhi, Village Eshuapur, P.S.- Dighwara, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Anant Kumar Bhaskar, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Dighwara P.S. Case No. 94 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police on a secret information with regard to involvement of the petitioner and others in paddling of illicit liquor, conducted raid. However noticing the police party, the persons, who were present there, succeeded in fleeing away. The local Chaukidar identified them in the torch light. On search, 180 litres of country made liquor was recovered from the Dalan of Shatrughan Manjhi.



4. Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made near the Dalan of Shatrughan Manjhi and the petitioner has neither any concern with the place from where the recovery has been made nor with the illicit wine. He further submits that there are various other discrepancies in search and seizure. That apart, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State opposes the bail application

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made near the Dalan of co-accused Shatrughan Manjhi, which is accessible to all, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection



with Dighwara P.S. Case No. 94 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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