

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55305 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- LAUKAHI District- Madhubani

Manoj Kumar Nishad S/O Jaleshwar Mukhiya R/O Village- Kariout, Ps.
Laukahi, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Laukahi P.S. Case No. 135 of 2023 dated 18.05.2023, instituted for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 99 litres of Nepali liquor from the Yamaha motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the seized Nepali liquor nor has any concern with the seized motorcycle. It is further submitted that petitioner is not



the owner nor the rider of the seized motorcycle. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. It is further stated that the provisions of Section 100 Cr.P.C. relating to search, has not been followed and there is no independent witness of the seizure list. Lastly, it has been submitted that the petitioner is in custody since 20.05.2023 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise) Jhanjharpur, Madhubani in Laukahi P.S. Case No. 135 of 2023.

(Khatim Reza, J)

Sankalp/-

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