

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53803 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- MANJHI District- Saran

ISHWAR son of Late Giriraj R/o- Dharmapura Ps- Najafgad Dist- South West
New Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Prabhat Shrivastava, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is an accused in connection with Manjhi P.S. Case No. 147 of 2023 registered for the offences under sections 272, 273 and 420 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 13.05.2023 by the informant, Upendra Rai.

As per the prosecution story, the police intercepted a truck and recovered/seized 2001.76 litres of foreign liquor, this led to the FIR.

It is the case of the petitioner that he is a driver, not the owner and had little knowledge that the goods that has been kept in the truck also contains liquor for which he has already suffered by being in custody since 14.05.2023 (as stated in paragraph 5 of the bail application), despite the fact that he has



no criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the fact that he is a driver, is in custody since 14.05.2023, do not have criminal antecedent, FIR lodged and ultimately will face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Saran at Chapra in connection with Manjhi P.S. Case No. 147 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 *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 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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