

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54311 of 2023

Arising Out of PS. Case No.-77 Year-2023 Thana- JHANJHARPUR District- Madhubani

Manoj Prasad Son Of Surya Narayan Patwa @ Suraj Prasad Resident Of
Village- Brahmatore, Ps- Loukaha, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Jhanjharpur P.S. Case No.77 of 2023 instituted under Section 272,273 of the IPC and 30(a),41,47 of Bihar Prohibition and Excise Act, 2018 lodged on 18.05.2023 by the informant Sanjay Kumar Singh

As per the prosecution story, upon secret information, an I-Ten and Scorpio vehicle were intercepted on NH-57 and with the help of police force, apprehended Dinesh Sah (I.Ten) and Manoj Prasad (Scorpio), the two drivers and 72 liters and 585 liters respectively Gaurav Saufi liquor recovered/seized. Both were arrested, liquor seized, FIR lodged.

Petitioner's case is that he is the Driver of the Scorpio, little knowledge that there is presence of liquor in the Scorpio and cannot be said to have been recovered from his



conscious possession. He has remained in custody since 20.05.2023.

Learned APP opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioner, the period of custody as also that he does not own the vehicle, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Jhanjharpur P.S. Case No.77 of 2023 to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, subject to 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 the 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)

Prakash Narayan

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