

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53656 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- PUSA District- Samastipur

MANISH KUMAR @ MANISH CHOUDHARY @ MANISH
CHAUDHARY Son of Umesh Chaudhary @ Umesh Kr. Choudhary @
Umesh Chodhari Resident of Village - Malikaur, P.S.- Pusa, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection
with Pusa P.S. Case No. 15 of 2023 registered under Sections
30 (a), 32(i) and 41 (I) and (ii) of the Bihar Prohibition and
Excise (Amendment) Act, 2022. lodged on 13.02.2023.

As per the prosecution story, the police upon
information raided the house Gulabi Devi and recovered
197.805 liters countrymade foreign liquor. Gulabi Devi was
arrested and she disclosed the name of her associates which
included the petitioner. They managed to escape when the
house of Gulabi Devi was searched. Accordingly, the FIR.

It is the case of the petitioner that admittedly, the



recovery is from the house of Gulabi Devi, she has implicated him as a person who was in the business of sell of liquor and for that he has suffered by being in custody since 03.05.2023 and he do not have criminal antecedent.

Learned APP for the State opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner, the recovery is from the house of Gulabi Devi, he is a young boy of 22 years, has no criminal antecedent and is in custody since 03.05.2023, this Court is inclined to grant him privilege of bail.

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 Special Judge Excise -I, Samastipur in connection with Pusa P.S. Case No. 15 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)

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