

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54332 of 2023

Arising Out of PS. Case No.-410 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Manish Kumar Son Of Bhim Mahto Resident Of Village - Kosut, Police
Station - Dhanarua, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
06.07.2023 in connection with Ram Krishna Nagar P.S. Case
No. 410 of 2023, F.I.R. dated 06.07.2022 for the offences
punishable under Sections 30(a), 32(ii)(iii) and 41 of Bihar
Prohibition and Excise (Amendment) Act.

3. According to prosecution case, recovery of 1120
liters of country-made liquor has been made from the vehicle of
the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from the
bare perusal of the F.I.R. and seizure list, nothing has been



recovered from the conscious possession of the petitioner and the recovery has been made from the vehicle in question. He further submits that petitioner is the driver of the vehicle and he has no concern at all with the alleged recovery of the illicit liquor. The petitioner is in custody since 06.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna, in connection with Ram Krishna Nagar P.S. Case No. 410 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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