

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56663 of 2023

Arising Out of PS. Case No.-1286 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Sudarshan Kumar S/O Amerika Manjhi @ Amrik Manjhi @ Amirak Manjhi
R/O Village- Simariya, P.S- Chakand, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Manisha Prakash, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard Mrs. Manisha Prakash, learned counsel for the

petitioner and the State.

The petitioner is in judicial custody in connection with Excise P.S. Case No. 1286 of 2023 for the offence punishable under Sections 30(a)/ 32(3) of the Bihar Prohibition and Excise Act lodged on 16.7.2023 by the informant, Abhay Kumar Yadav.

As per the prosecution story, the police during vehicle checking, intercepted a motorcycle and recovered/seized 50 liters of illicit Mahua liquor. Accordingly, the FIR and the arrest.

It is the case of the petitioner that the motorcycle does not belong to him, had nothing to do with it. The recovery is not



from his conscious possession, he do not have criminal antecedent and is in custody since 16.7.2023 (1 of the petition)

Learned APP opposes the prayer stating that the recovery is from the motorcycle on which he was present.

Taking into account the submission put forward by the parties, the petitioner is a boy of 19 years and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya, in connection with Excise P.S. Case No. 1286 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 his



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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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