

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57834 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- KHAJAULI District- Madhubani

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MANISH KUMAR PASWAN S/O MUNESHWAR PASWAN Resident of
Village- Sukki Dih Tol, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 405 litres of illicit Nepali liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in the present case. He further submits that the recovery has been made from motorcycle in question and not from petitioner's possession. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that the co-accused persons, namely,



Kishori Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 55429 of 2022, another co-accused persons, namely, Vikash Kumar Singh and Baua Singh @ Birendra Singh have been granted bail by Co-ordinate Bench of this Court vide order dated 02.12.2022 passed in Cr. Misc. No. 56999 of 2022 and co-accused Vivek Singh has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 18.11.2022 passed in Cr. Misc. No. 56130 of 2022. He further submits that the petitioner is in custody since 30.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case nothing has been recovered from the conscious possession of the petitioner and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Khajauli P.S. Case No. 133 of 2022, (G.R. No. 1298 of 2022) with the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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