

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61405 of 2022

Arising Out of PS. Case No.-345 Year-2022 Thana- RIGA District- Sitamarhi

Manoj Rai @ Manoj Kumar S/o Late Surendra Rai R/v- Chhotahi, P.S.- Riga,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Riga P.S. Case No.
345 of 2022 registered under Section 414 of the Indian Penal Code
and Section 30(a) of Bihar Excise and Prohibition Act.

308.94 litres illicit liquor has been recovered from a van. The
police thereafter receives secret information that the traders have also
concealed liquor in the office of the petitioner, who is ex-mukhiya. It
is alleged that 60 litres has also been recovered from the petitioner's



office.

Learned counsel for the petitioner submits that even as per prosecution case, the alleged 60 litres was recovered from the petitioner's office not in his presence. It is submitted that the same was planted due to political rivalry. The petitioner is in custody since 10.09.2022. There is no allegation that the petitioner was near the vehicle from which the earlier quantity was recovered nor the petitioner has any concern with the vehicle in question. The petitioner has two antecedents as per paragraph 3 of the application and he is on bail in both the cases.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge Exclusive Excise Court-1, Sitamarhi in Riga P.S. Case No. 345 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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