

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64890 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Mantosh Kumar Sah, Son of Ram Prakash Sah, R/O Vill.- Kadrabad, Ward
No. 2, P.S.- Bachhwar, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hare Krishna Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

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

The petitioner seeks bail in connection with
Khodawandpur P.S. Case No.260 of 2022 registered for the
offence punishable under Sections 420, 467, 468, 471, 120B of
the Indian Penal Code and Sections 30(a), 32(1)(2), 36, 41(1) of
the Bihar Prohibition and Excise Act.

A 6-wheeler truck was allegedly being unloaded of
illicit liquor contents. When the police have arrived at the place,
several persons have started fleeing away. Upon chase, the
vehicle No.BR-01-PC-4507 standing registered in the
petitioner's name was seized.



Learned counsel for the petitioner submits that co-accused Anil Choudhary had borrowed the petitioner's vehicle. The petitioner's *bona fide* is evident from the fact that he had gone to get his vehicle released when he has been arrested, though he has no concern with the case whatsoever and, in fact, having no antecedents, he has become a victim of the circumstance and landed in jail, where he is in custody since 28.09.2022.

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

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, and the fact that investigation is complete, 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.

Accordingly, 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 court of Special Excise Judge-1st, Begusarai, in connection with Khodawandpur P.S. Case No.260 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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