

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66568 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- MUSRIGHRARI District- Samastipur

MANOJ KUMAR SINGH @ MANOJ KUMAR MAHTO, S/O Sri Chhintu
Mahto @ Chandeshwari Mahto, R/O Village- Songar, P.S- Tajpur, District-
Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 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.

Petitioner seeks bail in connection with Excise G.R. Case
No. 385 of 2022 arising out of Musrigharari P.S. Case No. 77 of 2022
registered under Section 30(a) and 41(i)(ii) of Bihar Prohibition and
Excise Act, 2016.

It is alleged that total 2646 litres foreign liquor has been
recovered from an oil tanker.

Learned counsel for the petitioner submits that the petitioner
was not arrested from the spot. He is neither the owner nor the driver
of the said vehicle. Having fair antecedent, he is in custody since
07.09.2022, on account of confessional statement of co-accused



Vipin Kumar and Sunil Kumar. It is further submitted that similarly situated co-accused Kamlesh Singh has been allowed anticipatory bail in *Cr. Misc No. 40084 of 2022*. Recovery is denied and disputed and is not in accordance with law. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. 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 learned Special Judge Excise Court No- I, Samsatipur in Excise G.R. Case No. 385 of 2022 arising out of Musrigharari P.S. Case No. 77 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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