

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71057 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- SANHAULA District- Bhagalpur

Manish Kumar Ray, S/O Late Ashok Ray, Village- Bandarjori, Ps. Town
Thana Dumka, Dist. Dumka (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sanhoula P.S. Case No. 135 of 2023 registered on 21.08.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, during checking of vehicles, one Bolero vehicle was signaled to stop. The driver tried to flee away with his vehicle in which four persons were sitting. Three of them were apprehended and one person fled away taking advantage of darkness. Petitioner is one of the apprehended persons. On search of the vehicle, recovery of 189 litres of India made foreign liquor was made. Petitioner and co-accused disclosed that they were taking the



liquor to the house of co-accused Bipin Yadav who fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is neither the owner nor driver of the seized vehicle. Petitioner has no concern with the co-accused persons and allegedly seized liquor. The petitioner has taken lift on the said vehicle as he has been going to the house of his sister in Bhagalpur and he was having no knowledge about the liquor kept in the vehicle. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 21.08.2023 and he is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that recovery of 189 litres of India made foreign liquor was made from the vehicle in which petitioner was also travelling.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise-II, Bhagalpur/concerned court in connection with Sanhoula P.S. Case No. 135 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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