

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70143 of 2022

Arising Out of PS. Case No.-1221 Year-2022 Thana- PHULWARISHARIF District- Patna

MANOHAR SINGH S/O BHAWAR SINGH Resident of village- Khajora,
P.S.- Kaloyat, District- Bikaner.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120B of the Indian Penal Code and Sections (a), 31, 32(ii)(iii), 36 and 41(i)(ii) of Bihar Prohibition and Excise Act.

According to prosecution case, total 485 litres illicit foreign liquor is said to have been recovered from the possession of the accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. and seizure list that the alleged recoveries have been made from the car and Scorpio in question and nothing has



been recovered from the conscious possession of the petitioner. There is non-compliance of Section 100 Cr.P.C and the petitioner has no concern at all with the alleged vehicles in question. The police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 below where the case is pending in connection with Special Case No. 6478 of 2022, arising out of Phulwarisharif P.S. Case No. 1221 of 2022, subject to 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 witnesses, 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 antecedent, 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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