

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71172 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Manmohan Kumar Pandey @ Man Mohan Kumar Pandey, Son Of Late
Chintu Pandey R/O Village - Chitu Tola, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kuchaikote P.S. Case No. 437 of 2023 registered on 21.08.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, during night patrolling, police found three miscreants riding on two motorcycles bringing something in a sack and also found two persons coming in a scorpio vehicle. Due to their suspicious activities, police surrounded and apprehended them. Petitioner has been sitting in the scorpio vehicle along with the driver co-accused Dhanej Kumar. On search of the vehicle, recovery of 522 litres



of India made foreign liquor was made whereas further recovery of 49.440 litres was made from two motorcycles. In the same transaction another vehicle was also intercepted and three persons were apprehended and from this vehicle, recovery of 186.00 litres of India made foreign liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the alleged occurrence. Petitioner is neither the owner nor the driver of the said vehicle. Petitioner has no concern with the seized liquor. The petitioner has merely taken lift on the said vehicle 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 22.08.2023 and he is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that recovery of 522 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 fact that petitioner is neither the owner nor the driver of the said



vehicle and he is said to be just an occupant and also 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 Additional District Judge-IV-cum-Special Judge Excise Court No.-II, Gopalganj/concerned court in connection with Kuchaikote P.S. Case No. 437 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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