

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74203 of 2022

Arising Out of PS. Case No.-403 Year-2022 Thana- BYPASS District- Patna

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MANJEET KUMAR @ GONGA SON OF PAPPU PASWAN R/O
GULMAHIYACHAK, SABALPUR, P.S.- NADI, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.09.2022, in connection with Bypass P.S. Case No. 403/2022,
F.I.R. dated 20.09.2022, for the offences punishable under
Sections 30(a) of Bihar Prohibition and Excise Act.

According to prosecution case, 105 litres of country
made Mahua wine is said to have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that
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. as well as seizure list that 105 litres of country
made Mahua wine has been recovered from the possession of



the petitioner. He further submits that it appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from a motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that the petitioner is neither the owner nor the driver of the motorcycle in question and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.09.2022.

The learned Additional Public Prosecutor for the State on the other hand 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 Special Judge Excise, Patna City, Patna, in connection with Bypass P.S. Case No. 403/2022, 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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