

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79622 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- TARAIYA District- Saran

MANJESH KUMAR THAKUR @ MANJISH KUMAR THAKUR SON OF
LATE AKHILESHWAR THAKUR R/O VILLAGE- PACHKHANDA, P.S.-
MASHRAKH, DIST.- SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2023 Learned counsel for the petitioner is permitted to
make necessary correction in para 8 of the bail petition filed on
behalf of the petitioner during the course of the day.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Taraiya P.S. Case No.255 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

4. As per prosecution case, 34.560 litre illicit
liquor was recovered from the bolero vehicle in question and
petitioner apprehended on spot as a driver of the said vehicle.

5. Learned counsel for the petitioner submits that



petitioner is in custody since 08.08.2023 and bears criminal antecedent of five cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner being a driver of the vehicle has to follow the instruction of his owner to earn livelihood. Petitioner has no knowledge regarding alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has falsely been implicated in the case.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 03, Saran at Chapra in connection with Taraiya P.S. Case No.255 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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