

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79065 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- DIDARGANJ District- Patna

MANOJ KUMAR son of Krishna Rai Village- Govindpur PS- Fatuha Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kritu Verma

For the Opposite Party/s : MrsPushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Didarganj P.S. Case No. 350/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged recovery of total 400 liters country made mahua liquor from the tempo in question and the petitioner was the driver of the said tempo and apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since



14.10.2023 and bears criminal antecedent of one case. He further submits that the petitioner was neither the owner nor the driver of the alleged vehicle in question. He further submits that the petitioner has nothing to do with the alleged occurrence. He further submits that the petitioner has no concern with the seized liquor, basically he was going to call of nature below the bridge of Nathachack on the alleged date and time and in the meantime, the police apprehended the petitioner merely on suspicion and roped in this case. He further submits that the seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna City in connection with Didarganj P.S. Case No. 350/2023, 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)

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