

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7083 of 2024

Arising Out of PS. Case No.-170 Year-2022 Thana- RAJEPUR District- East Champaran

Manish Kumar S/O- Mahendra Bhagat R/O- Village- Mahmmadpur
Majhauiliya @ Mahmadpur Majholia, P.S.- Rajepur, Dist.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Rajepur P.S. Case No. 170/2022 registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged
recovery of 362.88. liters foreign liquor from the house of the
petitioner. Local villagers disclosed the name of the petitioner
and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The petitioner is not
apprehended on the spot and nothing has been recovered from



the conscious possession of the petitioner. The said recovery was made from the joint house of the petitioner. The petitioner is languishing in custody since 11.12.2023 and bears no criminal antecedent. He further submits that the petitioner is not in any way connected with the alleged occurrence. 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, petitioner is not apprehended on the spot, keeping in view clean antecedent of petitioner, 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 Exclusive Special Excise Court No.03, East Champaran at Motihari in connection with Rajepur P.S. Case No. 170/2022, 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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