

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6941 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- MADANPUR District- Aurangabad

Manoj Singh @ Manoj Singh Bhokta @ Manoj Singh Bhogta S/O
SUKHALAL SINGH BHOGTA VILLAGE- TARI, UMGA, PS.
MADANPUR, DIST. AURANGABAD (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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
Madanpur P.S. Case No. 24 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, 110 litre country made
mahua liquor was recovered from the bank of Pitambara river.
Local people disclosed the name of petitioner and others who
succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 26.11.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet has



been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. Petitioner is not apprehended on the spot. He has falsely been implicated in the present case merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner has no concern with the alleged liquor. No incriminating article has been recovered from the possession of the petitioner. Seizure list has not been prepared as per law.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner is not apprehended on the spot, 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 Special Judge, Excise, First, Aurangabad (Bihar) in connection with Madanpur P.S. Case No. 24 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)

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