

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32297 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- FATEHPUR District- Gaya

Manish Kumar, Aged about 24 years, Male, Son of Late Ashok Prasad,
Resident of Village- Nai Godam Jhilganj , P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 55 of 2024 instituted for the offences
punishable under Sections 409/34 of the Indian Penal Code and
Section 37 of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, petitioner was apprehend
on spot in drunken condition with one co-accused Upendra
Prasad and from a car bearing registration no. BR02V-5555,
total 20 kg of Arwa rice was recovered.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. He is only driver of seized



car. He never took wine or he never found as such and it appears that the very breath analyzer machine might be defective one. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused person namely, Upendra Prasad has already been granted bail by this Court vide order dated 18.04.2024 passe in Cr. Misc. No. 29618 of 2024. Petitioner is languishing in judicial custody since 28.01.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-cum-Exclusive Special Judge, Excise-IV, Gaya in connection with Fatehpur P.S. Case No. 55 of 2024.

(Ramesh Chand Malviya, J)

lata/-

U		T	
---	--	---	--

