

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47188 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- JAYNAGAR District- Madhubani

Manik Kumar Singh S/O Vijay Singh R/O Village-Sera, P.S.-Jainagar, Distt-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Jainagar P.S. Case No. 117 of 2024 registered for the offences under Sections 272, 273 and 414/34 of the IPC, Section 30 (a) of the Bihar Prohibition and Excise Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 12.04.2024.

4. The allegation against the petitioner is to be engage in illegal trading/manufacturing of



illicit liquor, where, there is recovery of 12.375 litres of IMFL/country made liquor and also found in possession of countrymade pistol with one live cartridge.

5. Learned counsel appearing on behalf of the petitioner submitted that the fact of this case upon facial perusal suggests, *prima facie*, that recovery of illicit liquor was made from the motorcycle. It is submitted that motorcycle used for carrying consignment of illicit liquor is not connected in any manner with petitioner. It is further submitted that recovery of liquor and firearm were not made from conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument it is submitted that petitioner found involved in two more cases, where he is on bail and moreover investigation of this case has already completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the



evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as recovery of illicit liquor and firearm not appears to be made from the conscious physical possession of this petitioner, coupled with the fact as petitioner is in custody since 12.04.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Jainagar P.S. Case No. 117 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) BNSS.

(Chandra Shekhar Jha, J.)

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