

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50788 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- BARHIYA District- Lakhisarai

Manjay Kumar, Son of Late Ram Narayan Ram @ Late Ram Narayan Rai,
resident of Village- Poktha Toli Kala Ganj, P.S- Obara, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barahiya P.S. Case No. 281 of 2023 for the offence under Sections 30(a)/32/41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, during night patrolling, a secret information was received about transportation of illicit liquor in two vehicles. The said vehicles were intercepted and recovery of 86.400 liters and 179.250 liters, respectively of country made foreign liquor were made from the vehicles. The name of the petitioner transpired during investigation as owner of the second vehicle from which recovery of 179.250 liters of illicit liquor has been made.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been made accused in this case merely due to the fact that he is the owner of the vehicle, but the petitioner has no knowledge about transportation of the illicit liquor by co-accused persons in his vehicle. The petitioner has completely been unaware about misuse of the vehicle. Thus, nothing incriminating has been recovered from the conscious possession of the petitioner, who was not present at the spot. The petitioner is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the doubtful nature of accusation against the petitioner and also considering the possibility of false implication and clean antecedent of the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Excise Court-1, Lakhisarai, in connection with Barahiya P.S. Case No. 281 of 2023, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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