

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59995 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- PARSA District- Saran

Udan Kumar @ Udan Manjhi son of Lalan Manjhi Village- Hasanpura PS-
Maker District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Ankur Prakash Sinha, learned Advocate for

the petitioner and learned Additional Public Prosecutor for the

State through Video Conferencing.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Parsa P.S. Case
No. 198 of 2024, registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. On receipt of confidential information, the police
intercepted the petitioner, who was coming on motorcycle and
on search total 60 litres of country made liquor was recovered.

4. Learned Advocate for the petitioner contended that
the petitioner has neither any concern with the illicit liquor nor
with the motorcycle in question. However, on the fateful day,
while he was moving on road, on suspicion apprehended by the



police, recovery has been shown from his possession. It is next contended that even as per the FIR the alleged recovery has been made from a public place but surprisingly there is no independent witness to the search and seizure and, as such, there is no compliance of Section 100 of the Cr.P.C. Moreover, the petitioner has been incarcerated since 10.06.2024 and the investigation of the crime is complete and the charge sheet has been submitted.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is also found involve in one another criminal case and the recovery has been made from his conscious possession.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the motorcycle nor there is any compliance as required under Section 100 of the Cr.P.C., coupled with the fact that the investigation of the crime is complete and the charge sheet has been submitted, let the petitioner, abovenamed, 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 learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection



with Parsa P.S. Case No. 198 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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