

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64173 of 2024

Arising Out of PS. Case No.-447 Year-2023 Thana- MAHUA District- Vaishali

Manish Kumar @ Monu Son of Late Manohar Lal Village- Sikka, Ps- Sikka,
Dist- Sonipat Hariyana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 447 of 2023 instituted for the offences punishable
under Sections 420, 414, 467, 468, 34 of the Indian Penal Code
and Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1277.64
litres of liquor was recovered from container(truck).

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is not the owner of the vehicle. It is further submitted that petitioner is only the driver of the vehicle in question and has no knowledge regarding the loaded articles. The petitioner is in custody since 15.07.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. The co-accused person has already been granted bail by this Bench vide order dated 18.03.2024 passed in Cr. Misc. No. 21299 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the 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 Court below/concerned Court in connection with Mahua P.S. Case No. 447 of 2023.

(Rudra Prakash Mishra, J)

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