

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67396 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- ATRI District- Gaya

Manish Bharti @ Manish Kumar S/O Uday Singh @ Budhan Singh Resident
of Village- Hadsa, P.S- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Atri P.S. Case No. 53 of 2023 dated 05.02.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 82.500 litres of illicit foreign liquor was recovered from the bush.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has transpired in this case during the course of investigation. Nothing has been recovered from the conscious possession of the petitioner. The petitioner



has no concern with the alleged recovery rather the recovery has been made from an open place which is accessible to anyone. The petitioner has thirteen criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 30.07.2024. The co-accused has been granted regular bail by this Court vide order dated 14.08.2024 passed in Cr. Misc. No. 58577 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Atri P.S. Case No. 53 of 2023, with further conditions:-

(i) One of the bailors shall a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

(ii) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioners are liable to be cancelled.

(iii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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