

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77663 of 2024**

Arising Out of PS. Case No.-66 Year-2024 Thana- Mathurapur District- Samastipur

Manikant Mishra S/O Raj Kishore Mishra R/O Bharampuradih, P.S-
Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.K. Lal, Adv.
Mr. Pritish Kumar Lal, Adv.
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard Mr. S.K. Lal, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Mathurapur P.S. Case No. 66 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise Act
lodged on 10.09.2024 by the informant, Mukesh Kumar.

3. As per the prosecution story, the informant alleged
that while patrolling, it intercepted two cars, one being the
Duster and other the Scorpio. Upon search, there is recovery of
72 liters of beer from the Scorpio and 276 liters from the Duster.
The petitioner was riding the Duster car. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he
does not own both the cars, was a mere passenger, was in the



wrong vehicle at the wrong time and got implicated. Further, he is in custody since 11.09.2024 (para 13 of the petition) and do not have criminal antecedent.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for bail submitting that the recovery in the Duster is 276 liters of beer and the petitioner was on the other vehicle.

6. Allegation is there, the petitioner does not own the vehicles, neither was he driving any of it, has no criminal antecedent and is in custody since 11.09.2024 (para 13 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise-2, Samastipur in connection with Mathurapur P.S. Case No. 66 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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