

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80837 of 2024

Arising Out of PS. Case No.-328 Year-2024 Thana- GORAUL District- Vaishali

Munna Kumar @ Munna Sah Son of Manoj Sah Resident of Village -Chehra
Kala, PS- Kathara, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Goraul (Katahara O.P.) P.S. Case No. 328 of 2024 dated
24.08.2024, instituted for the offence punishable under Sections
30(a), 32(2), 41 (1) of Bihar Prohibition and Excise Act, 2022.

3. The allegation is of recovery of 1026.915 litres
Indian made foreign liquor from the Pickup Van bearing Reg.
No. BR 10 GA 9583 standing in the bamboo field of Meghu
Bhagat.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that petitioner has not been arrested at the
spot. Nothing has been recovered either from the conscious



possession of the petitioner or from his house. Petitioner is neither the owner nor the driver of the Pickup Van and the same does not belong to him. It is submitted that due to his past criminal antecedents and only on the basis of suspicion, he has been made accused in this case. It is further submitted that another co-accused, namely, Ram Pravesh Bhagat has been granted bail *vide* order dated 23.10.2024 passed in Criminal Miscellaneous No. 71953 of 2024. Lastly, it has been submitted that he has five criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Goraul (Katahara O.P.) P.S. Case No. 328 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1-cum- Additional Sessions Judge, Vaishali at Hajipur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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