

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82947 of 2023**

Arising Out of PS. Case No.-193 Year-2023 Thana- HULASGANJ District- Jehanabad

Mantosh Kumar Son Of Umesh Ray R/O Village- Dedaur, P.S.- Bakhtiyarpur,  
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      09-01-2024      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Hulasganj P.S. Case No. 193 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution, 441 litres of illicit liquor was recovered from a *Dak* Parcel van in question and the petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is not the owner of the said van in question. He is merely a driver and being a driver, he has to follow the instruction of the owner of the said van to earn the livelihood. Petitioner has no knowledge regarding the alleged liquor that



has been kept in the said van. Petitioner is in custody since 20.10.2023 and bears no criminal antecedent. No incriminating article has been recovered from the possession of the petitioner. He further submits that search and seizure has not been made as per law. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge – I, Excise, Jehanabad in connection with Hulasganj P.S. Case No. 193 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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