

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84613 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- SAHARGHAT District- Madhubani

Manish Kumar S/o- Suresh Yadav Resident of Village- Gangaur P.S.-Harlakhi
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Saharghat P.S. Case No. 86 of 2024, registered on 04.10.2024 for the alleged offences under Sections 274, 275, 3(5) of BNS and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, on the basis of secret information about two boys on a motorcycle carrying illicit liquor, the said motorcycle was tried to be intercepted but the person driving the motorcycle fled away with the motorcycle while this petitioner fell down from the motorcycle with two jute bags. On search of the jute bags, 90 litres country made Nepali liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has taken a lift on the motorcycle and the person driving the motorcycle fled away on seeing the police party and this petitioner was apprehended. Nothing incriminating has been recovered from the person or possession of the petitioner. There is non-compliance of provisions of Section 103 B.N.S.S. The petitioner is in custody since 05.10.2024 and his having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and also considering the nature of allegation and period of custody of the petitioner, the petitioner above named is directed to 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 learned Additional District & Sessions Judge-II -cum- Special Judge (Excise Act), Madhubani/concerned Court in connection with G.R. No. 1393 of 2024, arising out of Saharghat P.S. Case No. 86 of 2024, subject to the conditions mentioned in Section



437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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