

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.83778 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

MANJAY KUMAR SAH @ MANJAY KUMAR SHA S/o Bhagwan Sah R/o  
village-Chakeso, P.S-Mahnar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 92 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

- 1. Bishu Kumar @ Vishnu Kumar S/o- Tej Singh @ T ej Singh Pal R/o Vill - Kalepur, P.S.- Chaubia, District- Etawah, State- Uttar Pradesh.
- 2. Gaurav Pal S/o- Ram Sharan Pal R/o Vill - Chitbhaban, P.S.- Ikdil, District- Etawah, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :  
(In CRIMINAL MISCELLANEOUS No. 83778 of 2023)  
For the Petitioner/s : Mr.Ravish Mishra  
For the Opposite Party/s : Mr.Rajendra Nath Jha  
(In CRIMINAL MISCELLANEOUS No. 92 of 2024)  
For the Petitioner/s : Mr.Anish Kumar  
For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY  
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

The petitioners seek bail in connection with  
Mahnar P.S. Case No. 280/2023 registered for the offences  
punishable under Sections 272, 273 of the Indian Penal Code



and Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of Bihar Prohibition and Excise Act.

As per prosecution case, 4876.965 litre illicit liquor was recovered from truck in question and petitioners were apprehended on spot.

Learned counsel for the petitioner (Manjay Kumar Sah) submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner is neither owner nor driver of the truck in question and he is not in any way connected with the alleged occurrence. The petitioner is merely a passenger of the said truck and he has been falsely implicated in this present case merely on basis of suspicion. Except suspicion there is nothing on record to connect the present petitioner with the alleged recovery. Petitioner is in custody since 13.10.2023. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner bears criminal antecedent of one case.

Learned counsel for the petitioners (Bishu Kumar and Gaurav Pal) submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners, Bishu Kumar



and Gaurav Pal being the driver and cleaner of the said truck respectively, have to follow the instruction of owner to earn their livelihoods. It is further submitted that both the petitioners have no knowledge about the alleged recovery. Petitioners are in custody since 13.10.2023. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners bear no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners 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 Exclusive Special Judge Excise Court No. II cum Additional District and Sessions Judge, Vaishali at Hajupur in connection with Mahnar P.S. Case No. 280/2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper 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)**

asmit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

