

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3035 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- MANIYARI District- Muzaffarpur

Prince Kumar Son of Surendra Ray Resident Of Mahanth Maniyari, P.S. -
Maniyari, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Maniyari PS Case No. 258 of 2023 dated 16-08-2023, instituted
under Sections 272, 273 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation is of recovery of 8.100 litres illicit
liquors from a motorcycle bearing registration No. BR-06-V-
2666.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. It is submitted that petitioner has been made accused only
on the basis of confessional statement of co-accused, namely
Surdip Kumar @ Golu. The learned counsel for the petitioner



submits that nothing has been recovered from the conscious possession of the petitioner. It is submitted that petitioner is not the owner of the alleged motorcycle, which was seized in the alleged occurrence. It is further submitted that petitioner has no concern with the apprehended accused person, who disclosed his name. It is next submitted that one criminal case of similar nature is pending against the petitioner since before as per statement made in paragraph no. 3 of the bail petition.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 Judge, Excise Court No. II, Muzaffarpur, in Maniyari PS Case No. 258 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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