

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2833 of 2024

Arising Out of PS. Case No.-787 Year-2023 Thana- ALAMGANJ District- Patna

Manish Kumar son of Manoj Saw @ Manoj Kumar Resident of mohalla
Kedarnath math PS Alamganj District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Alamganj P.S. Case No. 787/23 registered for the offences
punishable under Sections 30(a), 32, 36, 41(1) of the Bihar
Prohibition and Exise(Amendment) Act.

As per prosecution case, altogether 230 litre
country made liquor was recovered from scooty in question and
nearby places. It is further alleged that petitioner succeeded in
fleeing away from the place of occurrence.

Learned counsel for the petitioner 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 was not apprehended on spot.



Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is not the owner of the scooty in question and he is in no way connected with the alleged recovery. The name of petitioner has surfaced in the present case on basis of secret information. Except secret information, there is nothing on record to connect the present petitioner with the alleged occurrence. Seizure list has not been made as per law. Petitioner is in custody since 18.09.2023. Petitioner bears criminal antecedent of one case in which he is on bail.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on spot, 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 Exclusive Spl. Judge, Excise, Patna City in connection with Alamganj P.S. Case No. 787/23 , 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) Petitioner 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 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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