

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 4738 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- BARHIYA District- Lakhisarai

Manjit Kumar @ Manjeet Kumar Son of Batoran Singh @ Raghuwar Singh
R/o vill - Iniyar, P.S. - Muffasil Begusarai, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barahiya
P.S. Case No. 247 of 2023 registered for the offences punishable
under Sections 30(a), 32, 41 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, 135 litre foreign liquor was
recovered from Bolero vehicle in question and petitioner along
with other co-accused persons were apprehended on spot.

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 is neither driver nor owner of
the vehicle in question and he has no knowledge about the illicit



liquor kept in the said vehicle. Petitioner is merely a passenger of the vehicle in question. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was apprehended on spot on account of suspicion. Except suspicion, 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 21.10.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. 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, 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 Additional District and Sessions Judge IV cum Special Excise Court 1st Lakhisarai in connection with Barahiya P.S. Case No. 247 of 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) 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)

asmit/-

U		T	
---	--	---	--

