

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13017 of 2025

Arising Out of PS. Case No.-106 Year-2021 Thana- JANDAHA District- Vaishali

Manish Kumar @ Manish Kumar Pandey @ Manish Pandey S/O Ram Naresh
Pandey Resident of village- Dharampur,Bande, P.S.- Patori, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt of the petitioner with a prayer for bail. Earlier, the petitioner has moved before this Court with a prayer for anticipatory bail which was rejected by a Co-ordinate Bench of this Court vide order dated 01.04.2022 passed in Cr. Misc. No. 12159 of 2022.

3. The petitioner seeks bail in connection with Jandaha P.S. Case No. 106 of 2021 instituted for the offences under Section 30(a)/38(i)/41(i) of the Bihar Prohibition and Excise Act, 2018.

4. As per prosecution case, the police has recovered total 2624.565 liters of illicit IMFL/country-made liquor from



the Tata Container bearing Regd. No. HR55AB1873.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to highhandedness of the police officials. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the recovered liquor or the seized vehicle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has altogether eight criminal antecedents and is languishing in judicial custody since 13.01.2025 without any rhymes or reason.

6. Learned counsel for the petitioner again submits that the co-accused namely Vicky Pandey @ Vikki Pandey @ Vicky Kumar @ Vicky Panday has been granted bail by this Court vide order dated 04.10.2024 passed in Cr. Misc. No. 69816 of 2024.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is huge recovery of 2624.565 liters of illicit liquor from the alleged vehicle. The petitioner has also eight criminal antecedents.



8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jandaha P.S. Case No. 106 of 2021.

(Rudra Prakash Mishra, J)

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