

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75523 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- JOGAPATTI District- West Champaran

Manish Kumar @ Gupta S/O Pramod Prasad Resident of village- Chandaraha
Rupwaliya, Police station- Bathwariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Yogapatti P.S. Case No. 230 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 12.07.2024 by the informant, Manoj Kumar.

3. As per the prosecution story, the informant alleged that upon information that three persons are coming on motorcycle along with the liquor, the Police went there and found three motorcycles, two of which had sacks tagged to it, as it was intercepted, while one motorcycle managed to escape, this petitioner was arrested on the spot. There is total recovery of 97.200 liters of foreign liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he do not have any criminal antecedent, is in custody since



13.07.2024 and will diligently appear in trial. It is his further submission that though motorcycle belongs to him, the recovery/seizure is from a bamboo orchard and the last submission is that some of the accused persons namely Krishna Kumar (in Cr. Misc. No. 70640 of 2024) and Ashok Yadav (in Cr. Misc. No. 60666 of 2024) have been granted bail.

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also his period of custody, he do not have any criminal antecedent and similar situated co-accused persons have been granted bail, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Court Excise-II, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No. 230 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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