

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18626 of 2021**

Arising Out of PS. Case No.-748 Year-2020 Thana- KUDHNI District- Muzaffarpur

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MANISH KUMAR S/O LATE NIRANJAN CHAUDHARY R/O VILLAGE-
JAIRAM KHARAUNA P.S. KUDHANI O.P. TURKI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Kudhani (Turki) P.S. Case No.748/2020

registered for the offences punishable under Sections 414/34 of

the Indian Penal Code and Section 30(a) of the Bihar

Prohibition and Excise Act, 2016.

The prosecution story in short is that the informant

who is S.H.O. of Turki O.P. recorded his self-statement stating

therein that on 24.11.2020 at 11.45 am he along with other

police force was on patrolling duty. He received a secret information that one Manish Kumar (petitioner) and Manjesh Kumar were indulged in sale and purchase of illicit liquor. On receiving this information he along with other police force reached at the house of petitioner. It is alleged that on seeing the police party one person started fleeing away but on chase he was apprehended. On interrogation, he disclosed his name as Manish Kumar (petitioner). It is further alleged that in presence of two independent witnesses the house of petitioner and one Maruti Car which was standing in front of his house were searched and total 121.860 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to local politics. Learned counsel submits that the petitioner is not the owner of the said Maruti Car and he has no concern with the alleged recovery of illicit liquor. It is submitted that the petitioner is in custody in connection with this case since 26.11.2020 and he has otherwise no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is not the owner of the vehicle from

which the illicit liquor was recovered, the petitioner is in custody in connection with this case since 26.11.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Kudhani (Turki) P.S. Case No.748/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify

the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.