

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7448 of 2019

Arising Out of PS. Case No.-379 Year-2018 Thana- MANJHAGARH District- Gopalganj

RAJ KUMAR YADAV, Male, aged about 22 years, Son of Mosafir Yadav
Resident of Village-Muzauna, P.S.-Manjhagarh, Gopalganj ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Akhilesh Kumar, Adv.

For the Opposite Party : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 08-02-2019

Heard the learned counsel for the petitioner and the learned
counsel appearing for the State.

The petitioner is languishing in judicial custody since
08.12.2018 in connection with Manjhagarh P.S. Case No. 379 of 2018
for the offences alleged under Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is
that when he was on night patrolling, he tried to stop two four
wheelers, which did not stop and on chase the police succeeded in
stopping one of the vehicles. The registration number of the vehicle
was BR-06P-1003 and the driver disclosed his name as Raj Kumar
Yadav. On search of the vehicle 648 liters of wine, namely, crazy
Romeo, was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that the petitioner is innocent, bears no criminal antecedent
and has been implicated in this case due to local politics. No
incriminating article has been recovered from the conscious
possession of the petitioner. It is also submitted that during the course



of seizure, Section 100 of the Criminal Procedure Code has not been complied with.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail, **on completion of three months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Manjhagarh P.S. Case No. 379 of 2018 to the satisfaction of the learned Additional Sessions Judge II -cum-Special Judge, Gopalganj, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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