

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16373 of 2021

Arising Out of PS. Case No.-330 Year-2020 Thana- MOTIPUR District- Muzaffarpur

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MANI KUMAR YADAV S/O SHAMBHU RAY R/O VILLAGE-
SENDUARI, P.S.-MOTIPUR, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-09-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Motipur P.S. Case No. 330 of 2020 registered under Sections 30(a), 41(1)(2) of Bihar Prohibition and Excise Act, 2018.

On secret information the police party has proceeded



to the *chowk*. On seeing police, three persons who were on two motor-cycles have started to flee. The petitioner has been apprehended, and other two fled away. There is alleged recovery of 144 bottles total 54 litres of illicit liquor.

It is submitted by petitioner's counsel that petitioner has no criminal antecedents and is in custody since 19.12.2020. There is no recovery from the petitioner's conscious possession and recovery is in contravention of the procedure prescribed by law.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise Act, Muzaffarpur, in Motipur P.S. Case No. 330 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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