

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13221 of 2022**

Arising Out of PS. Case No.-1018 Year-2020 Thana- BANKA District- Banka

MANISH KUMAR YADAV Son of Late Srikant Yadav @ Late Srikant Kumar Resident of Village- Navtoliya, P.S.-Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Banka
(Barahat) P.S. Case No. 1018 of 2020 registered for the offence
under Sections 30(a) and 32(2) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.11.2021.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, where, there is recovery of
352.5 litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner is neither owner nor driver of the alleged car. It has further been submitted that recovery has not been made from the conscious physical possession of the petitioner and the alleged car was found in abundant condition. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has not been made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Banka (Barahat) P.S. Case No. 1018 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Banka, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Savitri Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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