

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13988 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- MANJHI District- Saran

Hakim Yadav @ Hakim Ray S/o Lagandeo Yadav R/o village- Jatua, P.S.-
Manjhi, District- Saran at Chapra, at present R-2-302, Lane No.- 4 Shivpuri
West Sagarpur South west, New Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-07-2022 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 Manjhi
P.S. Case No. 208 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.01.2022.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where 551.88 liters of IMFL was
recovered from a pick-up van.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is the owner of the alleged vehicle from where the alleged recovery was made. It is submitted that name of the petitioner surfaced on the basis of disclosure made by driver of the alleged vehicle. It is submitted that nothing surfaced during the course of investigation, which may suggest that petitioner is aware of the consignment loaded in the pick-up van. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioner is the owner of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest that petitioner is aware of the consignment loaded in the pick-up van coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Manjhi P.S. Case No. 208 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra, 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.

(ii) That one of the bailors shall be Kusum Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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