

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24451 of 2022

Arising Out of PS. Case No.-91 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

MANOJ YADAV S/o Kariman Yadav R/o village- Bansipur Chaytola, P.S.-
Medni Chowki, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Medni
Chowki P.S. Case No. 91 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018 and 25(1-b)a, 26 Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.11.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of
56.250 litres of IMFL.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been arrested only after confessional statement of the co-accused, from the possession of whom, illicit liquor along with two country made pistol was recovered. It is submitted that allegation is only limited with this petitioner as recovery of firearm was made from the possession of the son of the petitioner. It is also submitted that provision under Section 100(4) of Cr.P.C. was not complied with, while preparing seizure list. It is further submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that it is not a case of recovery either of liquor or firearms from the possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as neither liquor nor alleged firearms recovered from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Medni Chowki P.S. Case No. 91 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 Additional Sessions Judge-V-cum-Exclusive Special Court No.2 Excise Act, Lakhisarai/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 Sarojani Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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