

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25321 of 2022**

Arising Out of PS. Case No.-189 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Manjay Yadav S/o Late Budhu Yadav Resident of Village- Musan Bigha, P.S.-
Nawada (Nagar), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Man Mohan Kumar, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Government Official Case No. 189 of



2022 registered for the offences punishable under Sections 30 (a) and 30(c) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information that some persons are engaged in preparing illicit wine, raided the bank of Sakri river and on search being made 15 litres country made liquor was recovered from the bush and about 600 Kg. *Jawa Mahua* country-made liquor was destroyed. It is further submitted that other utensils/apparatus used for manufacturing of illicit wine were also recovered and the petitioner was also arrested at the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was arrested on suspicion, though he has nothing to do with the alleged recovery or with regard to the preparation of illicit wine. It is further submitted that the alleged recovery has been made from the bush near the bank of Sakri river, which is accessible to all and the petitioner cannot be held responsible for the said recovery. It is next submitted that this petitioner is in custody since 28.02.2022, having a man of fair antecedent and moreover, after completion of investigation, the charge-sheet has been submitted and he is ready to give undertaking that he will co-



operate in the trial.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from the bank of Sakri river and moreover, this petitioner is in custody since 28.02.2022, having fair antecedent, apart from that after conclusion of the investigation of the crime, the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 2, Nawada in connection with Government Official Case No. 189 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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