

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26966 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

MANISH KUMAR Son of - Popal Yadav @ Popal Yadev Resident of Village
- Navtolia Sadh Baba Tola, P.S. - Mednichauki, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mednichauki P.S. Case No. 133 of 2021 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 165 lites illegal country made liquor from different places.
Petitioner and others fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.12.2021. Petitioner bears
criminal antecedent of four cases. Charge sheet has already been



submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. Petitioner is not apprehended on spot. Petitioner has no knowledge about the alleged recovery of country made Mahua liquor and the petitioner has no concern with the same.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail 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-II, Excise Act, Lakhisarai in connection with Mednichauki P.S. Case No. 133 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

