

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36578 of 2022

Arising Out of PS. Case No.-179 Year-2022 Thana- KONCH District- Gaya

Mantu Yadav Son Of Ragho Yadav Resident Of Village- Maniyar Bigha, P.S.-
Konch, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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. Sanjay Kumar Sharma, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Konch P. S. Case No. 179 of 2022 registered for the offences punishable under Sections 30 (a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that 699.12 litres foreign liquor was recovered from a tempo and a field. It is also alleged that the name of the petitioner and other



accused persons have been disclosed by the village Choukidar.

Learned counsel appearing on behalf of the petitioner submitted that save and except the disclosure made by the village Choukidar that too on account of village politics, there is no other material against the petitioner. It is further submitted that the petitioner has neither any concern with the alleged tempo nor the place from where recovery has been made. It is next submitted that there is no independent witness to the seizure list and as such, the same has been prepared without any compliance of Section 100 of the Cr.P.C.. It is last submitted that the petitioner was not apprehended at the spot and he is in custody since 23.05.2022, having fair antecedent.

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 petitioner was neither arrested at the spot nor has any concern with the tempo, in question, and the place from where recovery has been made and moreover, having fair antecedent, he is in custody since 23.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned court of Exclusive Special Excise Court No. 1, Gaya in connection with Konch P. S. Case No. 179 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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