

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42557 of 2022

Arising Out of PS. Case No.-271 Year-2022 Thana- GARDANIBAG District- Patna

MANISH KUMAR @ GOLU S/o Ajay Kumar Resident of village -
Mithapur, B- Area, P.S. Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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
Gardanibag P.S. Case No. 271 of 2022, G.R. No. 2683 of 2022
registered for the offences punishable under Sections 30(a)/34
of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 90 litres illegal country made wine from the place of
occurrence. The petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.05.2022. Petitioner bears one
criminal antecedent of similar nature. Learned counsel further



submits that copy of seizure list has not been supplied, in this way the mandate of law has been violated. Seizure list has not been made as per law. Nothing has been recovered from the conscious possession of the petitioner. Alleged recovery has been made under the bridge which is accessible to all.

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, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 2683 of 2022 arising out of Gardanibagh P.S. Case No. 271 of 2022 corresponding to G.R. No. 2683 of 2022, 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)

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