

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42986 of 2022

Arising Out of PS. Case No.-313 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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Manish Yadav @ Manish Kumar Son of Sulen Yadav @ Surendra Yadav R/O
Village- Kothiya, P.S.- Khagaria (Muffasil), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with S. Kamal
P.S. Case No. 313 of 2020 registered for the offence under
Sections 120(B) and 34 of the Indian Penal Code and Sections
30(a), 32 and 41(i) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.06.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 2054.16 litres of IMFL/country made liquor from truck bearing registration no. NL01AD-8272.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from truck, where petitioner is not connected in any manner with alleged truck and illicit liquor. It is submitted that alleged truck was found in the premises of co-accused, namely, Gaurav Yadav, who has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 20102 of 2022 vide order dated 26.05.2022. It is further submitted that admittedly, it is not a case of recovery from the physical possession of the petitioner, where name of the petitioner surfaced on the basis of secret information.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with S. Kamal P.S. Case No. 313 of 2020 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



Court-02, Begusarai/concerned court, subject to the conditions
as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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