

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44804 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- BIDUPUR District- Vaishali

Manohar Bhagat, Son of Parmeshwar Bhagat, Resident of Village -
Govindpur, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Subodh Prasad, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Bidupur P.S. Case No. 263 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

The police on a secret information, raided the house
of the petitioner and on search total 207.155 liters of Indian
made foreign liquor was recovered. The petitioner was
apprehended at spot.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint residential house where several persons reside and the petitioner cannot be held responsible for the same. He further submits that there is non compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. He next submits that the petitioner, having fair antecedent, is in custody since 26.05.2022 though the investigation of the crime is already complete and charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint residential house and moreover, the investigation of the crime is already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, 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 Special Prohibition & Excise Court-I-Cum-Distt. & Sessions Judge, Hajipur (Vaishali)



in connection with Bidupur P.S. Case No. 263 of 2022 , subject to the condition that one of the bailors will be the close relatives 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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