

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66531 of 2021**

Arising Out of PS. Case No.-144 Year-2021 Thana- CHAKAND District- Gaya

1. Manish Yadav, Son of Majhar Yadav, Resident of Village- Dundu, P.S.- Pratappur, District- Chatra (Jharkhand).
2. Rajesh Alam @ Guddu, Son of Islam Miya @ Md. Mosatak Miyan, Resident of Village- Rajkela, P.S.- Pratappur, District- Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Anand, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      22-07-2022                      Heard learned counsel for the petitioners and learned  
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Chakand P.S. Case No. 144 of 2021 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Allegedly, 540 liters of illicit liquor was recovered from the vehicle of the petitioners, who are stated to be driver and cleaner of the said vehicle.



The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Nothing has been recovered from conscious possession of the petitioners. The petitioners are not the owner of the vehicle and recovery has been made and seizure list has been prepared in violation of Section 100 (6) of the Code of Criminal Procedure. The petitioners have no concern with the consignment of the vehicle. The charge sheet has been submitted in this case and the petitioners are in custody since 29.08.2021 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been recovered from the possession of the petitioners.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioners are in custody since 29.08.2021, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Gaya in connection with Chakand P.S. Case No. 144 of 2021, subject to the following conditions :



(i) One of the bailors will be a close relative of the petitioners and another bailor will be the deponent, who has sworn the affidavit.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) The petitioners will not commit similar type of offences in future.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

V.K.Pandey/-

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