

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68885 of 2022

Arising Out of PS. Case No.-609 Year-2022 Thana- BRAHMPUR District- Buxar

Manoj Yadav, S/O Late Shalik Yadav R/O Village- Chakki Laxman Dera,
P.S.- Brahmpur, Distt- Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
30(a) of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 43.2 litres of liquor from a white colour sack kept
on a motorcycle. Thereafter, 43.2 litres and 18 litres of liquor
was also recovered from two other motorcycles as detailed in
the F.I.R.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted



that he came to be implicated based on statement of co-accused Manoj Gupta in police custody which does not have any evidentiary value. It is also submitted that petitioner is neither the owner, nor the driver of the alleged seized vehicle.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Brahmpur P. S. Case No.609 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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