

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5101 of 2023

Arising Out of PS. Case No.-455 Year-2022 Thana- FATEHPUR District- Gaya

Manoj Kumar Son of Mangar Yadav Resident of Village - Sidariya, P.S.-
Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Ranjan, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
23.11.2022 in connection with Fatehpur P.S. Case No. 455 of
2022, F.I.R. dated 17.07.2022 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

Recovery is of 500 liters of country made liquor.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in the present case merely on the
basis of suspicion. He further submits that it appears from the



F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been from the car in question. He further submits that the petitioner is neither the driver nor the owner of the said car in question. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge 01, Gaya in connection with Fatehpur P.S. Case No. 455 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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