

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6668 of 2023

Arising Out of PS. Case No.-747 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Manjay Kumar Yadav S/O Late Panchdev Yadav R/v- Janki Bazar, P.S.-
Barhara Khawaspur O.P.), District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ram Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bhojpur Excise P.S. Case No. 747 of 2022 dated 27.12.2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

As per the prosecution, police personnel on secret information, raided the alleged hotel and recovered in total 44.80 litres of foreign liquor from the alleged hotel and the said hotel is stated to be of this petitioner.

The main submissions advanced by learned counsel for petitioner are that the instant matter relates to the recovery of 44.800 litres of country-made wine and as per the seizure list the said wine was recovered behind the restaurant of the petitioner and the same was not recovered from the conscious possession of the petitioner and in actual there is no way to go from the petitioner's restaurant to behind the restaurant and the alleged wine was recovered from the land of another person, though against the petitioner there is criminal antecedent of one case lodged under the Excise Act but he has been granted anticipatory bail by this Court and in the present matter he has been languishing in jail since 26.12.2022 and against him the investigation has been completed.

Learned APP for the State has opposed the bail prayer.

Having considered the above submissions and mainly the facts that as per the seizure list alleged wine was recovered behind the petitioner's restaurant and the petitioner has taken a plea that the said land from which the recovery was made does not belong to him and the alleged recovery was made in the presence of official personnel who have been shown as witnesses of the seizure, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Bhojpur Excise P.S. Case No. 747 of 2022 on 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 below and shall remain physically present as directed by the Court below 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 his bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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