

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.29299 of 2023

Arising Out of PS. Case No.-22 Year-2022 Thana- MASAUDHI District- Patna

TETAR YADAV @ MANISH KUMAR, aged about 36 years, sex, male, Son of Late Ram Pravesh Yadav Resident of Sukatiya, P.S.-Masaurhi, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jainendra Kumar Pushkar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 18-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Special Case No.396 of 2022 arising out of Masaurhi P.S. Case No. 22 of 2022 dated 17.01.2022 registered for the offence(s) punishable under Section(s) 30(a)/30(c)/41(1) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 500 litres of country made Mahua wine and the same is stated to have been recovered from a Bolero pickup van and altogether 14 persons including this petitioner have been



named in the FIR and as per allegation, all the said accused persons indulged in smuggling of the alleged liquor by the alleged vehicle but admittedly, the petitioner and other co-accused persons were not arrested at the spot and merely on the basis of secret information, which has no evidentiary value, this petitioner and other co-accused persons have been dragged in this case. Further submissions are that the petitioner has criminal antecedent of one case and he has been languishing in jail since 06.03.2023 and against him, the investigation has been completed in the present matter and the alleged liquor was not recovered from his physical or constructive possession.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail in connection with Special Case No.396 of 2022 arising out of Masaurhi P.S. Case No. 22 of 2022 on



furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

Sanjay/-

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(Shailendra Singh, J)

