

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40830 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- ALAMGANJ District- Patna

MANISH GOPE @ MANISH KUMAR YADAV @ MANISH YADAV SON
OF LATE JAGDISH YADAV @ JAGDISH GOPE RESIDENT OF
MOHALLA - PATHARIGHAT, DEVISTHAN, TRIPOLIYA, POLICE
STATION - ALAMGANJ, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Alamganj P.S. Case No. 217 of 2023 registered for the offences
under sections 30(a) and 36 of the Bihar Prohibition and Excise
Act lodged on 12.03.2023 by the informant, Dharmendra
Kumar.

As per the prosecution story, the police during
patrolling duty came to know about the selling of the wine by
the petitioner at Patharighat reached there and chased and
arrested one Sandeep Kumar who gave the name of this
petitioner and thereafter from the outside the house of this
petitioner, 160 litres of country-made wine recovered/seized.



Accordingly, the FIR.

Learned Counsel for the petitioner submits that it is not a recovery from his house nor from his personal possession and only because he has criminal antecedent, implicated.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of same nature.

Considering the fact that the recovery is not from his house or personal possession, is in custody since 07.04.2023 (as stated in paragraph 6 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City in connection with Alamganj P.S. Case No. 217 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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