

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43932 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- PHULWARIYA District- Gopalganj

MANISH YADAV S/O LATE MAHENDRA YADAV R/O Village- Kataya,
PS. Kasimabad, Dist. Gajipur, (U.P)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

As per FIR, prosecution case relates to recovery of 45 liters of illicit foreign liquor from a XUV Car bearing Registration no. UP16AK-6935 and the petitioner is said to be driver of the seized vehicle who was arrested on spot.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case. He has got no criminal antecedent as stated in para-3 of the bail petition. Petitioner is only driver of the seized vehicle but he



has no concern with the alleged recovery of illicit liquor. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 22.5.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail **after framing of charge**. The above named petitioner is directed to be released on bail in connection with Phulwariya P.S. Case No. 181 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise Court No.1, Gopalganj.

(Sunil Kumar Panwar, J)

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