

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41392 of 2023

Arising Out of PS. Case No.-470 Year-2019 Thana- ALAMGANJ District- Patna

Manish Gope @ Manish Yadav @ Manish Kumar Yadav Son of Late Jagdish Yadav Resident of Mohalla - Patharighat, Devi Asthan, Tripoliya, P.S. - Alamganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Alamganj P.S. Case No. 470 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 18.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 20 litres of IMFL/country made liquor from the place of occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced on the basis of disclosure made by co-accused, namely, Udesb Kumar during the



course of investigation and no illicit liquor recovered from physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in seven more criminal cases of similar nature, where he is on bail, which is one of the reason for suspicion to implicate petitioner in present case also, where in maximum of cases his name surfaced on the basis of disclosure as of the present case and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Alamganj P.S. Case No. 470 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court Excise, Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:



“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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