

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45040 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- DELHA District- Gaya

Mantu Yadav @ Nand Lal Kumar S/O Jagdish Yadav R/O Mohalla- New Godown, Pahsi Lane, P.S- Kotwali, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Delha P.S. Case No. 22 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018 and Section 25(1-b) of Arms Act.

4. The accused/petitioner is named in the F.I.R. and is in custody since 15.05.2023.

5. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 12 litres of IMFL/country made liquor from the place of occurrence.



6. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the matrimonial house of this petitioner, which is occupied by several family members, and as such, it cannot be said that recovery of illicit liquor appears to be made from conscious physical possession of this petitioner. It is submitted that compliance of Section 100(4) of Cr.P.C. was not appears to be followed in present case regarding search of premises. While concluding the argument, it is submitted that petitioner found involved in six more criminal cases, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Delha P.S. Case No. 22 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. 01, Gaya/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) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the 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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