

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60022 of 2023**

Arising Out of PS. Case No.-183 Year-2023 Thana- HUSSAINGANJ District- Siwan

MANISH YADAV Son of Birendra Yadav Resident of Village-Thepaha Uttar
Tola, P.O.-Thepaha Raja Ram, P.S.-Jiradei, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 06-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Hussainganj P.S. Case No. 183 of 2023 for the offence under section 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 25.07.2023 by the informant, Vijay Kumar Yadav.

3. As per the prosecution story, the allegation is that the Police intercepted a Scorpio and recovered/seized 405 liters of Indian made foreign liquor, the petitioner was arrested. Accordingly the FIR.

4. Learned counsel for the petitioner submits that he is neither the owner nor the driver, not apprehended from the spot, those who were apprehended gave his name which resulted into his implication.

5. The last submission is that he is in custody since



26.07.2023 (as stated in paragraph 6 of the petition).

6. Learned APP opposes the prayer for bail.

7. Taking into account the submissions put forward by the learned counsel for the petitioner as also that that he is neither the owner nor the driver, not apprehended from the spot and is in custody since 26.07.2023, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-01, Siwan, in connection with Hussainganj P.S. Case No. 183 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/her 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 fortnight for six months to mark his



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 the 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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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