

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70698 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- YADOPUR District- Gopalganj

Manjeet Yadav @ Manjeet Kumar @ Manjeet Kumar Yadav S/O Baburam
Yadav R/O Village- Paithanpatti, P.S- Manjhagarh, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Umesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Jadopur P.S. Case No. 175 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police, on a secret information that the
petitioner is indulged in trafficking of illicit wine through the
way of Gandak river, a raid was conducted. However, noticing
the police party, the accused persons succeeded in fleeing away.
The name of the petitioner has been disclosed by the
independent witnesses. On search, total 369 litres country-made
wine was recovered.



4. It is submitted on behalf of the petitioner that the petitioner has neither any concern with the boat in question nor with the alleged recovered illicit wine. He further submits that the disclosure of the name of the petitioner made by the local Chowkidar does not appear to be reliable, moreover, the petitioner having fair antecedent is doing business of sale and purchase of rice and wheat and he has never been indulged in such type of activity. He further submits that there are infirmities in the search and seizure and the alleged recovery has been made from the bank of Gandak river, which is an open place easily accessible to all.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the bank of Gandak river, coupled with the fair antecedent and the infirmities in the search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional District and Sessions Judge II-cum-Special Judge Excise, Court No. 1, Gopalganj in connection with Jadopur P.S. Case No. 175 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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