

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73534 of 2023

Arising Out of PS. Case No.-453 Year-2023 Thana- KAUWAKOL District- Nawada

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YUGAL MANJHI SON OF CHHOTAN MANJHI RESIDENT OF
VILLAGE - JAMHARIA, P.S. - PAKARIBRAWAN (DHAMOUL O.P.),
DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is an accused in connection with Kawakole P.S. Case No. 453 of 2023 registered for the offences under sections 30(a) and 41 of the Bihar Prohibition and Excise Act lodged on 19.07.2023 by the informant, Satrugan Kumar.

3. As per the prosecution story, the police alleged that on secret information Tata Magic car was intercepted and 1000 litres liquor was recovered/seized. This followed the FIR/seizure list/arrest.

4. Learned Counsel for the petitioner submits that he is neither the owner nor the driver of the car and do not have criminal antecedent. Further, he is in custody since 21.07.2023 (as stated in paragraph 12 of the bail application).



5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to pay Rs. 25,000/- on their own to the Chief Minister's Relief Fund.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that recovery has been made from the Tata Magic in which the petitioner was present.

7. Taking into account the fact that the vehicle is not own by the petitioner and has remained in custody since 21.07.2023, this Court is inclined to extend him privilege of bail subject to payment of Rs. 25,000/- as stated above and undertaken by the learned Counsel for the petitioner.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with Kawakole P.S. Case No. 453 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 *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 next six months to mark 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 his 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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