

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2600 of 2024

Arising Out of PS. Case No.-518 Year-2023 Thana- SAHPUR District- Bhojpur

Manoj Kumar S/O Umesh Prasad Yadav @ Bhim Yadav Resident of Village-
Amarpura, P.S. Paliganj, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar , Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Shahpur P.S. Case No.518 of 2023, lodged on 11.11.2023,
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against
two named and one owner of the vehicle and total 132.84 liters
of liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that he is the owner of the vehicle and has provided lift to the
other accused persons and recovery has been made from the bag
of the co-passenger and he is completely innocent. The



petitioner is in custody since 11.11.2023. He submits that there is one criminal case pending against him in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that petitioner's name has figured in earlier case for the same offence.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Bhojpur at Ara, in connection with Shahpur P.S. Case No.518 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J)

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