

**IN THE COURT OF SHRI PARMOD KUMAR
SPECIAL JUDGE, EXCISE, BAGAHA, WEST CHAMPARAN.**

Bagaha (Bhairoganj) P.S. Case No. 555/2022

B.P.No. 1779/2022

Mankeshwar Urao v/s The state of Bihar

Present:-

Ld. P.P. Shri Anwar Hussain for the state

Ld. Counsel Shri Shailesh Kumar Tiwari for the petitioner.

01-10-2022

ORDER

1. The Present bail petition is filed on behalf of custodial accused **Mankeshwar Urao**. The said case has been instituted **u/s 30(a) of Bihar prohibition and Excise Act 2018**. The Petitioner accused has been in judicial custody since 08-08-2022. Case diary is available on record.
2. The prosecution story in brief is that Petitioner was coming by a bike. A total 20L country made liquor has allegedly been recovered from the seized bike. Petitioner has been arrested on the spot.
3. Ld. Counsel for the Petitioner stated that the Petitioner accused is quite innocent and he has not committed any offence as alleged in the F.I.R. An anticipatory bail petition was filed before this court, which has been withdrawn. The Petitioner has a criminal antecedent under 30(a) of Bihar Prohibition & Excise Act 2016. The Petitioner is in jail custody since 08-08-2022. The Petitioner is ready to furnish bail bond to the satisfaction of the Ld. Court. It is therefore prayed to enlarge the Petitioner on bail.
4. Ld. Special P.P. opposed the prayer of bail stating that a total 20L country made liquor has allegedly been recovered from the Petitioner & Petitioner has a criminal antecedent also under 30(a) of Bihar Prohibition & Excise Act. Hence petitioner does not deserve bail.
5. Perused the fardbeyan, seizure list & case diary. **From perusal of the same it transpires that a total 20L country made liquor has allegedly been recovered from the Petitioner. The Petitioner accused has been in judicial custody since 08-08-2022. As per para No. 27 of case diary, the Petitioner has a criminal antecedent under section 30(a) of Bihar Prohibition & Excise Act.**

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Considering the quantity of alleged recovery, period of custody & festival of Durga Pooja, this court is of opinion the Petitioner accused be released on bail on furnishing bail bond of Rs. 10,000/ with one surity of like amount each. If it is found that the Petitioner is found indulge in similar activity, prosecution will be at liberty to move an application for cancellation of bail bond of Petitioner.

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I/C Special Judge, Excise