

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38547 of 2018

Arising Out of PS. Case No.-246 Year-2017 Thana- RAJIVNAGAR District- Patna

Manoj Yadav S/o Basudev Yadav, resident of Mohalla- Indarwa, P.S.-
Tilayeya, District- Kodarma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Guriya Nisha
For the Opposite Party/s : Mr. Madhuranand Jha

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Rajeev
Nagar P.S. Case No. 246 of 2017 registered under Section 30(a)
of the Bihar Prohibition and Excise Act 2016.

541.5 lts. of foreign liquor is said to have been
recovered from truck and one Manoj Kumar was apprehended
while one other accused, namely, Santosh Kumar Sao managed
to escape. The apprehended accused disclosed the name of the
petitioner as one of his accomplice in the occurrence.

It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from



conscious physical possession of the petitioner. He has no concern with the seized liquor or with the truck in question or with any trade of liquor. He was not apprehended on the spot. He has been falsely implicated in this case by the apprehended accused person due to animosity. Barring the aforesaid confessional statement, there is nothing in the record indicating the complicity of the petitioner in the occurrence. As a matter of fact, the petitioner was in jail in connection with Tilaiya P.S. Case no. 12 of 2017 instituted under Sections 272, 273 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act-2016 at the time of occurrence. Barring the aforesaid case, there is no other case pending against the petitioner and petitioner has been enlarged on bail in the aforesaid case. He has been languishing in custody since 24.04.2018. The apprehended accused, namely, Santosh Kumar Sao and Manoj Kumar have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 22.12.2017 passed in Cr. Misc. no. 59806 of 2017 and 59768 of 2017 respectively.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special



Judge, Excise-cum-Addl. Sessions Judge-IX, Patna in
connection with Rajeev Nagar P.S. Case No. 246 of 2017.

(Prakash Chandra Jaiswal, J)

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