

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.32600 of 2020**

Arising Out of PS. Case No.-445 Year-2019 Thana- GARDANIBAG District- Patna

MANOJ YADAV S/o Butan Yadav @ Birendra Yadav R/o Village-Adhuman
Gadi Sarai, P.S.-Barhara, District-Ara, at present Yarpur Rajputana N.C.
Ghosh Lane Shivaji Path, P.S.-Gardanibag, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Gardanibag P.S. Case No. 445 of 2019 registered for the offences punishable under Sections 30(a)/34 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution story, the informant while on patrolling duty got secret information that Butan Yadav and his son Manoj Yadav have brought illegal wine and stored the same, when the informant and raiding team reached that place on seeing the police party one person fled away and another was apprehended who disclosed his name as Butan Yadav and recovered some illegal



liquors.

Learned counsel for the petitioner submits that this petitioner has committed no offence and has been falsely implicated in this case on account of suspicion. Learned counsel submits that there is no recovery from the conscious possession of the petitioner and petitioner is in jail since 27.06.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the petitioner has remained in jail since 27.06.2020, investigation against him is complete and there is no submission of the State that his release is otherwise likely to interfere with the evidence or the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Special Judge, Excise, Patna in connection with Gardanibag P.S. Case No. 445 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

