

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13751 of 2021**

Arising Out of PS. Case No.-266 Year-2020 Thana- LADANIA District- Madhubani

Manish Kumar Yadav, Male, aged about 18 years, Son of Ram Prasad Yadav  
Resident of Langadhi Gariyani, P.S.- Sikka Jyoti, District- Sirha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Ms. Meena Singh APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      17-08-2021      In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Ladaniya PS Case No. 266 of 2020, corresponding to G.R .No. 1766 of 2020, instituted for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.



Total 99 litres illicit *Nepali* liquor has allegedly been recovered from the petitioner which was being carried along with co-accused through the boarder.

The learned counsel for the petitioner submits that he is in custody since 28.12.2020 which has wrongly been typed as 28.12.2018 in paragraph No.12 of the bail petition. It is a case of false implication. There is no compliance with the mandatory procedure for search and seizure.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released 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 **Addl. Sessions Judge-II- cum-Special Judge, Excise Act, Madhubani**, in connection with **Ladaniya P.S. Case No. 266 of 2020, corresponding to G.R. No. 1766 of 2020**, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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