

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23783 of 2021**

Arising Out of PS. Case No.-321 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Manoj Kumar Yadav, Son of Shatrughan Prasad Yadav, Resident of Village -
Bhatrandha Ward No.09, P.S.- Ghailadh, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate

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

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

2 23-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in
connection with Excise Thana Case No. 321 of 2020-21
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2016. The
petitioner is in custody since 05.01.2021. He is an accused in
two cases as stated in paragraph ‘3’ of the petition.

As per the prosecution story, on secret information the
informant raided the house of the petitioner and recovered 54

cartoons of Codein Cough Syrup from his house.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the recovery was made from an open room near the door of the petitioner which was not in exclusive conscious possession of the petitioner. It is submitted that the petitioner has got criminal antecedent in two cases and in those cases he is on bail. The petitioner is in custody in connection with this case since 05.01.2021.

Mr. Shailendra Kumar Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein allegedly 54 cartoon of Codein Cough Syrup has been recovered from the premises of the petitioner, the submission is that the recovery was made from an open room near the door of the petitioner which was not in exclusive conscious possession of the petitioner, the petitioner is in custody in connection with this case since 05.01.2021 and in the two cases against him as stated in paragraph '3', on instruction learned counsel says that the petitioner is on bail, this Court directs release of the petitioner above named 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, Madhepura in connection with Excise Case No. 17 of 2021, corresponding to Excise Thana Case No. 321 of 2020-21, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.