

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7206 of 2021**

Arising Out of PS. Case No.-9 Year-2020 Thana- MANJHAGARH District- Gopalganj

UPENDRA YADAV SON OF KEDAR CHAUDHARY R/O VILLAGE-
BHAISAHU, P.S.- MANJHAGARH, DISTRICT- GOPALGANJ.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Srivastava, APP

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

2 29-04-2021 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. Anuj Kumar Srivastava, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Manjhagarh P.S. Case No. 09 of 2020 registered for the offences punishable under Sections 414 of the Indian Penal Code and Sections 30(a)/38/41 of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information the informant along with other police personnel reached at Maghi Manguraha Chaur and on seeing police personnel some accused persons managed to escape. It is alleged that one pick-up vehicle with total 398.16 liters of illicit liquor was recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case on mere suspicion. It is submitted that investigation against the petitioner is complete. The petitioner is in custody in connection with the present case since 10.02.2020 having no criminal antecedent.

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 it is the submission of learned counsel for the petitioner that illicit liquor has been recovered from the vehicle but nobody was arrested, the vehicle was standing at a lonely place and the name of the petitioner has been brought in this case on mere suspicion, he has got no criminal antecedent, has remained in custody in connection with this case since 10.02.2020, investigation against him is complete and further incarceration of the petitioner is not likely to come in aid of the investigation or prosecution, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge, Excise, Gopalganj, in connection with Manjhagarh P.S. Case No. 09 of 2020, subject to the conditions as laid down under Section 437(3) 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'

