

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9170 of 2022

Arising Out of PS. Case No.-437 Year-2019 Thana- NAUTAN District- West Champaran

MANOJ YADAV SON OF SRI PUNDEO YADAV RESIDENT OF
VILLAGE BAIRA PARSAUNI, P.S.- NAUTAN, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Ms.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and the
State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Sections 413, 414/34 of the Indian
Penal Code and section 30(a) of the Bihar Prohibition and
Excise Act.

As per allegation, one person riding on motorcycle
managed to escape and another person who is stated to be co-
accused of this case was caught and 25.560 liter English wine
was recovered from the said motorcycle which is alleged to be
stolen motorcycle.

The main submissions advanced by the learned
counsel for the petitioner are that petitioner has been



languishing in jail since 23.10.2021, investigation has been completed and charge sheet has been submitted. There are two criminal cases against the petitioner in which he is on bail in one case and as per FIR, he was not arrested at the spot and his name came into light in the confession of co-accused who was arrested at the spot as per prosecution story and from the motorcycle which is stated to be driving by this petitioner 8.280 liter foreign liquor was recovered.

Learned APP opposes the prayer for bail.

Head both side and perused the FIR. In the petitioner's case charge sheet has been submitted as it appears from para 13 of the petition. Petitioner is not alleged to be arrested at the spot and as per above submissions, he is on bail in one case.

Considering these facts as well as quantity of wine which is alleged to have been recovered from the motorcycle of the petitioner, in my view, lenient approach may be taken in respect of the petitioner. Let the petitioner 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 Special Judge, Excise, West Champaran, at Bettiah in Nautan P.S. Case No. 437 of 2019 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Nautan P.S.Case No. 283 of 2021 and Nautan P.S.Case No. 345 of 2020 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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