

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12843 of 2022

Arising Out of PS. Case No.-345 Year-2020 Thana- NAUTAN District- West Champaran

Manoj Yadav Son of Pundeo Yadav Resident of Village- Parsauni, P.S.-
Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Nautan P.S. Case No. 345 of 2020 registered
for the alleged offences under Sections 413, 414 of the Indian
Penal Code and Sections 30, 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution of case is that the police received
secret information that the petitioner and other co-accused
persons have been carrying illicit liquor on stolen motorcycles
and they were asked to stop but they fled away from the spot



leaving behind their motorcycles and about 452.5 liters of illicit India made foreign liquor was recovered from the motorcycles.

The learned counsel for the petitioner submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has been identified as the person who escaped by the local *Chaukidar*. As no recovery of stolen article has been made from the petitioner, there would be no application of Section 413 and 414 of the I.P.C. Similarly in absence of recovery of illicit liquor, no offence under Section 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016 is made out. Learned counsel further submits that charge-sheet has been submitted. The petitioner is having criminal antecedent and is accused in three cases. The petitioner is in custody since 10.09.2021.

Learned A.P.P. for the State has opposed the prayer of bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession and further considering the fact that the charge-sheet has been submitted and taking into



consideration period of detention, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah (West Champaran) in connection with Nautan P.S. Case No. 345 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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