

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19172 of 2022**

Arising Out of PS. Case No.-288 Year-2020 Thana- MANSI District- Khagaria

Manoj Yadav @ Manoj Yugal, Son of Nago Yadav Resident of Village -
Khutiya, P.S. Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Mansi P.S. Case No. 288 of 2020 registered for the alleged offences under Sections 188 and 177 (b) of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

Allegedly, from the house of the petitioner, 10 liters of country made liquor, 8 liters of India made foreign liquor and Rs. 01,84,656/- were recovered. Further 150 liters of Semi prepared liquor and chemicals which are used in manufacturing of the liquor were destroyed and apprehension has been expressed that the money and the manufacturing of liquor was



for influencing the process of Vidhan Sabha Election of 2020.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case in order to influence the Assembly Election of 2020 in connivance with the police. The prosecution story is unbelievable, false and fabricated. The petitioner has not been identified and he was not apprehended from the spot. His name came up only in the secret information. The S.H.O of concerned police station took Rs.3,50,000/- and 30 grams gold ornament after looting his shop and when the matter reached to the District Administration, then false case has been instituted by putting pressure on the informant, who admitted this fact on mobile conversation. Learned counsel further submits that as the petitioner was neither a candidate in Assembly Election nor any of his family members are supporting any political party or candidate, so no offence under Sections 188/171 (b) IPC is made out against the petitioner. The charge sheet has been submitted in this case and the petitioner is in custody since 19.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove



and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 19.12.2021, 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, Khagaria, in connection with Mansi P.S. Case No. 288 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One bailor will be the deponent, who has sworn the affidavit, and another bailor will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.

V.K.Pandey/-

(Arun Kumar Jha, J)



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