

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26589 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- ANDHRATHARHI District- Madhubani

Manaj Yadav @ Manoj Yadav @ Manoj Kumar Yadav Son Of Pulkit Yadav
R/O Village- Palar, P.S.- Andharatharhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Heard Mr. Prabhakar Thakur, learned counsel

 appearing on behalf of the petitioner and learned Additional

 Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection
with Andharatharhi P.S. Case No. 80 of 2021 for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act 2016.

As per the prosecution case ,it is alleged that the
police on secret information intercepted a truck loaded with
liquor which was standing near the road and driver and Khalasi
was arrested on the spot. The apprehended person disclosed that
one person succeeded to flee away, whose name has been
disclosed as Manoj Yadav (Petitioner). On search being made
total 271.875 liters foreign made liquor was recovered.



Learned counsel appearing on behalf of the petitioner submits that petitioner is neither owner of the truck nor he was arrested on the spot. It is next submitted that save and except the disclosure made by the persons, who were apprehended by the police, there is no other material which suggest the complicity of the petitioner. It is further submitted that FIR has been registered on 28.06.2021 and seizure list has been prepared on 29.06.2021 after long time. The entire prosecution case appears to be suspicious. It is next submitted that this petitioner is in custody since 14.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the state vehemently oppose the bail application of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is neither owner of the truck nor any incriminating material has been recovered from persons and possession and moreover, petitioner is in custody since 14.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of the commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/-



(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge cum Special Judge Excise, Jhanjharpur in connection with Andharatharhi P.S. Case No. 80 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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