

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.37443 of 2021**

Arising Out of PS. Case No.-359 Year-2020 Thana- DESARI District- Vaishali

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MANOJ YADAV, SON OF SIKANDRA RAI, Resident of Village -  
Bhikhanpura, Ward No.8, P.S.- Desari (Chandpura O.P.), Distt.- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, A.P.P.

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

2      18-01-2022      Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Mukesh Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Desari P.S. Case No. 359 of 2020 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act. He is in custody since 15.12.2020. Petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that on getting secret information the informant reached at the given place where on seeing the police some persons started escaping and on chase



two persons were apprehended, one of them was the petitioner and another was Mahesh Kumar. It is alleged that from the motorcycles kept at the door of Suresh Chaudhary 24 liters of illicit liquor was found and 20 liters of liquor was recovered from the house of Suresh Chaudhary.

Learned counsel submits that the petitioner has no concern with the motorcycles kept at the door of the co-accused Suresh Chaudhary. Nothing has been recovered from conscious possession of the petitioner. It is further submitted that no independent witness has signed over the seizure list and the petitioner has been apprehended only on the basis of suspicion because he was standing in the vicinity of the house of co-accused.

It is further submitted that the petitioner is in custody since 15.12.2020 having no criminal antecedent.

Mr. Mukesh Kumar Singh, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the alleged seizure of liquor has been made from the in front of the house of co-accused Suresh Chaudhary, the seizure list witnesses are only police personnel, the motorcycles which were found standing near the house of Suresh Chaudhary do not belong to the petitioner, the petitioner has no criminal antecedent and was arrested only on mere suspicion because he was standing in the vicinity of the



house of the co-accused as also that he is in custody since 15.12.2020 and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise, Vaishali at Hajipur in connection with Desari P.S. Case No. 359 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

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)**

vats/-

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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'.

