

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38546 of 2022**

Arising Out of PS. Case No.-104 Year-2019 Thana- BARH District- Patna

Manoj Yadav @ Mano Yadav @ Manav Yadav S/O Rajdev Yadav @ Ramdev  
Yadav R/O Village- Gulab Bag, Laheriya Pokhar, P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Avinash

For the Opposite Party/s : Mr.Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-09-2022                      Let the defects, if any, be removed within four  
weeks from today.

Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State through  
video conferencing.

Petitioner seeks bail in a case registered in  
connection with Barh P.S. Case No. 104 of 2021 for the  
offences punishable under Sections 30(a), 38, 41 of the  
Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the  
police on secret information that some persons are engaged  
in selling illicit liquor raided the place of occurrence,  
however, on noticing the police party, petitioner and one



accused person succeeded to flee away. It is further alleged that 412 liters of country made liquor was recovered from a place surrounded by the boundary wall, which belongs to one Suresh Yadav.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from his person or possession. So far as the alleged recovery is concerned the same was made from the land of the accused Suresh Yadav. He next submits that only because of the past criminal antecedent, his name has been implicated in this case, which shows the high handedness of the police. He further submits that petitioner has nothing to do with the illicit liquor. He lastly submits that petitioner is in custody since 10.06.2022 and so far as other pending criminal cases are concerned, out of seven cases, in six cases petitioner is on bail.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submission made on



behalf of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession and save and except the criminal antecedent, there is no other material suggesting the involvement of the petitioner in the present crime, 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 learned Special Judge, Excise, Barh in connection with Barh P.S.Case No. 104 of 2019 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.

(v) 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 cancelling 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.

**(Harish Kumar, J)**

N.K/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

