

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39591 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- MADANPUR District- Aurangabad

MUNNA @ MUNNA KUMAR YADAV Son of Devnath Rai Resident of Village - Chakiya,
P.S.- Taraiya, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Madanpur P.S. Case No. 161 of 2021 registered for the alleged offences under Sections 379, 420, 467, 468, 469, 486 and 120(B) of the Indian Penal Code and Sections 30(a) and 33 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information that illicit liquor was being carried by a Hyva vehicle and it was concealed under stone chips. The said vehicle was intercepted and its driver was apprehended. From this vehicle, 3500 litres of spirit was recovered. The driver named this



petitioner along with other co-accused persons in whose presence the spirit was loaded on the vehicle.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery of any incriminating article has been made from his conscious possession. The petitioner is neither the owner of the vehicle nor the loaded consignment belong to this petitioner and he is in no way concerned with the seized articles. The driver who was apprehended from the spot has been granted bail vide order dated 01.04.2022 passed in Cr. Misc. No. 4075 of 2022 by a Co-ordinate Bench. The co-accused registered owner has also been granted anticipatory bail by another Coordinate Bench vide order dated 11.05.2022 passed in Cr. Misc. No. 11950 of 2022. The petitioner is in custody since 20.12.2021 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet along with period of custody of the petitioner, 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 Court-1, Aurangabad in connection with Madanpur P.S. Case No. 161 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors 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 on 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)

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