

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55338 of 2021**

Arising Out of PS. Case No.-1348 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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MANOJ YADAV @ MANOJ KUMAR YADAV Son of Gowardhan Yadav
Resident of Village- Pahadi, P.S.- Chhattapur, District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Ms.Asha Kumari

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Aurangabad
Excise Case No. 1348/2020, CIS No. 1348/20 registered for the
offences punishable under Section 30(a) of the Bihar Excise
Prohibition Amended Act, 2018.

There is recovery of 1905 litres of illicit country made
liquor from a Bolero Pickup van.

Learned counsel for the petitioner submits that



petitioner has committed no offence and he has falsely been implicated in the present case. It is further submitted that name of the petitioner has been transpired on the basis of confessional statements of co-accused Narendra Singh and Sonu Vishwakarma. He further submits that it would appear from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from one Bolero Pickup van. He further submits that co-accused Narendra Singh and Sonu Vishwakarma have been granted bail by a co-ordinate Bench of this court vide order dated 02.09.2021 passed in Cr. Misc. No. 22480 of 2021. Petitioner is in custody since 26.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise, Aurangabad in connection with Aurangabad Excise Case No. 1348/2020, CIS No. 1348/20, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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