

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49178 of 2022

Arising Out of PS. Case No.-545 Year-2019 Thana- BARH District- Patna

Manoj Yadav @ Manav Yadav S/o Sri Rajdeo Yadav Resident of Village-
Gulabbagh, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barh P.S. Case No. 545 of 2019 registered for
the alleged offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, on the basis of secret
information, co-accused Rahul Kumar was apprehended.
Recovery of 16.50 litres of India made foreign liquor was made
from the bag being carried by the co-accused and from other
bag and sack left behind by the petitioner and other co-accused
persons, further recovery of 39.95 litres was made.



The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The name of the petitioner came up in the disclosure statement of the co-accused and except for the said confessional statement, nothing has come on record against this petitioner. The petitioner is in custody since 27.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner has got long criminal history.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the period of custody and the submission of charge-sheet against this petitioner who was not apprehended from the spot and no recovery has been shown from him, 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, Barh, Patna in connection with Barh P.S. Case No. 545 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

Rajnish/-

U		T	
---	--	---	--

