

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64919 of 2021**

Arising Out of PS. Case No.-314 Year-2018 Thana- NAUTAN District- West Champaran

MANOJ YADAV Son of Ganesh Yadav Resident of Uttari Teluha, P.S.-
Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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

3 25-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 414/34 of the Indian Penal Code and Section 30(a) and 36 of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that the informant received secret information that Sipahi Yadav and Badri Yadav had brought huge liquor by Truck from Haryana to sell and have kept asbestos house and also that both the aforesaid accused persons were present with their associates near the Badri Yadav's house and were trying to deal the liquor. It is further



alleged after seeing the police personal all the accused persons started fleeing but five persons were caught hold and they disclosed the fled persons' name as Badri Yadav and Manoj Yadav.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case merely on suspicion. It is further submitted that neither the petitioner was apprehended on the spot nor anything was recovered from his possession. It is further submitted that similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court vide order dated 08.10.2018 & 19.11.2018 passed in Cr. Misc. No. 65923 of 2018 & 65402 of 2018. It is further submitted that name of the petitioner transpired on the basis of the confessional statement of co-accused persons. It is further submitted that the petitioner is in custody since 21.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 learned Court below



where the case is pending in connection with Nautan P.S. Case No. 314 of 2018 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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