

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52630 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- LAUKAHI District- Madhubani

Manoj Yadav @ Manoj Kumar Yadav S/O Late Yadunandan Yadav R/O
Village- Tulsiyahi (Atari), Ps. Laukahi, Dist. Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Ratanakar Jha, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with G.R. No.837 of 2022 arising out Laukahi P.S. Case No.235 of 2022, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) Bihar Prohibition and Excise Act.

3. The police on a confidential information with regard to the involvement of the petitioner along with co-accused person in peddling of the illicit liquor, conducted raid and in course of search 315 liters of illicit wine has been recovered near the orchard of Tej Narayan Yadav.

4. Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the



alleged recovery has been made from the orchard of Tej Narayan Yadav and the petitioner has neither any concerned with the orchard nor with the alleged recovered illicit wine. He further submits that though the petitioner is made accused in one another case, but he is on bail in the said case. He next submits that save and except the suspicion regarding the involvement of the petitioner in the present crime, there is no material suggesting his complicity. That apart, no incriminating material has been recovered from the whereabouts of the petitioner.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open orchard, which is accessible to all and the co-accused person having identical allegation has been allowed privilege of anticipatory bail in Cr. Misc. No. 37674 of 2023 vide order dated 31.07.2023 by learned Co-ordinate Bench of this Court, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise Act, Jhanjharpur in connection with G.R. No.837 of 2022 arising out Laukahi P.S. Case No.235 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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