

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59097 of 2023

Arising Out of PS. Case No.-184 Year-2023 Thana- HATHUA District- Gopalganj

Manish Yadav @ Manish Kumar, Son of Rameshwar Chaudhary, Resident of
village - Bariray Bhan, P.s. - Hathua, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Hathua P.S. Case No. 184 of 2023, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, police received secret information about the petitioner with one of his associate bringing a consignment of illicit liquor. Police tried to intercept a motorcycle on which two persons were carrying a gunny bag. Both the persons fled away leaving behind the motorcycle, a mobile phone and the bag from which 38 litres of country made liquor was recovered. Petitioner is said to be one of the escaped persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner has nothing to do with the seized motorcycle or the contraband said to be carried on the said motorcycle. Learned counsel further submits that petitioner has got criminal antecedent of one case which is subsequent to the present case. Learned counsel further submits that nothing substantive has come against the petitioner to connect him with the offence as alleged.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner fled away from the spot leaving behind the motorcycle and the mobile phone.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears hardly any material to connect the petitioner with the offence as alleged and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Court No.1, Gopalganj in connection with Hathua P.S.



Case No. 184 of 2023, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of the
petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below, if so required by
the learned trial court.

(Arun Kumar Jha, J)

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