

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56699 of 2023**

Arising Out of PS. Case No.-243 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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MANISH KUMAR YADAV SON OF RAMSOGARTH YADAV @
RAMSWARTH YADAV RESIDENT OF VILLAGE - SAPTA, POLICE
STATION - RAHIKA, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023

Heard the parties.

The petitioner is an accused in connection with Town
P.S. Case No. 243 of 2023 registered for the offences under
section 30(a) of the Bihar Prohibition and Excise Act lodged on
15.07.2023 by the informant, Prakash Yadav.

As per the prosecution story, during patrolling, a
'*Scorpio*' was intercepted and 156.870 litres of wine was
recovered/seized followed by the FIR and one Laxman Yadav
was arrested, he named this petitioner as also Dilip Yadav to be
the person to whom the loaded wine belongs to.

It is the case of the petitioner that he was not present
in the vehicle, nothing has been recovered from his conscious
possession and only because of confessional statement of



Laxman Yadav, he has been dragged in this case for which he has already suffered by being in custody since 16.07.2023 (as stated in paragraph 19 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the submissions put forward by the learned Counsel for the petitioner, nothing has been recovered from his conscious possession rather the same is from Laxman Yadav, he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge Excise Act, Madhubani in connection with Town P.S. Case No. 243 of 2023 (G.R. No. 1106 of 2023), subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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