

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61219 of 2023

Arising Out of PS. Case No.-384 Year-2021 Thana- ARARIA District- Araria

Mantu Kumar Yadav @ Manas Kumar @ Malas Kumar Son Of Krit Narayan
Yadav R/O Vill - Laxminiya, Ward No 09, P.S. - Tirbaniganj, Distt. - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Araria
(Bairgachhi) P.S. Case No. 384 of 2021, F.I.R. dated 11.05.2021
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 144 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. On the basis of disclosure made by the driver of
the vehicle the name of the petitioner transpired during
investigation. From perusal of the FIR as well as the seizure list
nothing has been recovered from the conscious possession of
the petitioner. Petitioner is not the owner of the vehicle in



question and there is non-compliance of the provision of Section 100 of the Cr.P.C. The police, after investigation, submitted charge sheet against the petitioner and the petitioner is in custody since 03.04.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

6. Considering the aforesaid fact, let the petitioner, above named, 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 Exclusive Special Judge, Araria, in connection with Araria (Bairgachhiu) P.S. Case No. 384 of 2021, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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