

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61669 of 2023**

Arising Out of PS. Case No.-256 Year-2022 Thana- LAUKAHA District- Madhubani

Manjan Yadav @ Amresh Yadav S/O Late Jagat Yadav R/O Village- Rampur,
Ps. Laukaha, Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

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

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 24.07.2023, in connection with Laukaha P.S. Case No. 256 of 2022, F.I.R. dated 15.09.2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

3. Recovery is of 135 litres of country made *Napali* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered



from the conscious possession of the petitioner rather recovery has been made from the house of the petitioner. He further submits that there is non compliance of Section 100 of the Cr P.C. and the petitioner is in custody since 24.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the house of the petitioner and apart from the aforesaid the petitioner carries one more case of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the pending case.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 256 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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