

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.62336 of 2023**

Arising Out of PS. Case No.-359 Year-2021 Thana- KHIJARSARAI District- Gaya

Manjhala Yadav S/O- Dhuri Yadav, Resident of Village- Pandit Bigha P.S.-  
Khizersarai Dist- Gaya

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar, Advocate  
For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

2      16-10-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Khizersarai P.S. Case No- 359 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 17.11.2021 the informant and other police officials reached near the house of Jharkhandi Manjhi and on seeing the police party, a person with a plastic gallon fled away after leaving the plastic gallon. On search of the said gallon, total 10 liters of illicit liquor was recovered and it was found that the person who fled away is Manjhala Yadav (this petitioner).

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the allegedly recovered illicit liquor.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein the illicit liquor is said to have been recovered from the backside of the house of one Jharkhandi Manjhi and the said place is not in exclusive possession of the petitioner, the petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Khizersarai P.S. Case No-359 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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