

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71604 of 2023

Arising Out of PS. Case No.-253 Year-2023 Thana- KEWATI District- Darbhanga

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MANOJ KUMAR @MANOJ KUMAR YADAV S/O RAM UDGAR YADAV
VILLAGE- KAKARGHATTI, PS. SADAR, DIST. DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Jha

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Keoti
P.S. Case No. 253 of 2023 registered for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 342 litre illicit liquor was
recovered from Scorpio in question which was being driven by
the petitioner and petitioner apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case. He further submits that petitioner is not owner of the
vehicle in question. Petitioner is merely driver of the said
vehicle and he has to follow the instruction of his owner to earn



the livelihood. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner has no knowledge regarding the alleged liquor that has been kept in the vehicle in question. Petitioner is in custody since 03.09.2023. Petitioner bears criminal antecedent of one case in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Exclusive Special Judge-1 (Excise Act), Darbhanga in connection with Keoti P.S. Case No. 253 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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