

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79264 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- CHHATAPUR District- Supaul

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MANOJ YADAV SON OF VIDYANAND YADAV R/O VILLAGE-
TINTANGI, WARD NO.13, P.S.- CHHATAPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Chhatapur P.S. Case No. 99/2023 registered for the offences
punishable under Sections 30(a) of the Bihar Excise Act, 2016.

As per prosecution case, 562.500 litre foreign
liquor was recovered from milk van in question. It is alleged
that local people disclosed the name of the petitioner and others
who succeeded in fleeing away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR. Petitioner is neither owner nor driver of the vehicle
in question and he is not in any way connected with the alleged
recovery. Basically no incriminating article has been recovered



from conscious possession of the petitioner. It is further submitted that petitioner is not apprehended on spot. Petitioner is falsely implicated in this present case merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged recovery. It is further submitted that petitioner bears criminal history of one case in which he is on bail. Petitioner is in custody since 24.08.2023.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, 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 Additional Spl. Judge-Excise-01 Supaul in connection with Chhatapur P.S. Case No. 99/2023 , subject to the 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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