

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1801 of 2023**

Arising Out of PS. Case No.-774 Year-2022 Thana- BARHARA District- Bhojpur

MANRANJAN YADAV @ MANJAY YADAV @ MANJAN YADAV Son of
Mohan Yadav Resident of Village- Badki Singhi, P.S.- Ara Nagar, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

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

2 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
12.11.2022 in connection with Barahara (Krishnagarh) P.S.
Case No. 774 of 2022, F.I.R. dated 11.11.2022 registered for the
offence punishable under Section 30(a) of Bihar Prohibition
and Excise Amendment Act, 2018.

Recovery is of 200 liters of Mahua Wine.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case on the basis of suspicion. Further
submits that it appears from the FIR as well as the seizure list
that nothing has been recovered from conscious possession of



the petitioner rather the recovery has been made from the Tempo in question and the petitioner was in the Tempo at the time of recovery but the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is neither the driver nor the owner of the Tempo in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.11.2022.

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

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, having clean antecedent, 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 Special Excise Court No.1st, Bhojpur , Ara in connection with Barahara (Krishnagarh) P.S. Case No. 774 of 2022,with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) 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.

(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 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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