

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32632 of 2024

Arising Out of PS. Case No.-115 Year-2021 Thana- SAHARGHAT District- Madhubani

Manoj Kumar Yadav Son Of Bindeshwar Yadav Resident Of Village - Kerwa,
Gangaur, P.S. - Saharghat, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Sharghat P.S. Case No. 115 of 2021 dated 14.09.2021 , registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation altogether 45 litre of illegal liquor has been recovered from two motorcycles.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the illegal liquor has not been recovered from the personal possession of the Petitioner. As per



the prosecution case nine litre liquor has been recovered from the motorcycle which was given to a friend for his personal use but without his connivance or knowledge he might have kept the illegal liquor in the motorcycle. As such, the Petitioner is innocent and has falsely been implicated in this case and no case under Excise Act is made out against the Petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-II-cum-Special



Judge, Excise Act, Madhubani, in connection with G.R. No. 1673 of 2021 arising out of Sharghat P.S. Case No. 115 of 2021 dated, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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