

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35379 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- PIPRAKOTHI District- East Champaran

MANJAY YADAV @ MANJAY KUMAR SON OF UMESH YADAV
RESIDENT OF VILLAGE - RAMGADH MAHUAWA, P.S. -
PIPRAKOTHI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

- 3 26-07-2024 1. Heard learned counsel for the petitioner as well as learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act in connection with Piprakothi P.S. Case No.05 of 2024.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 4.5 liters of liquor from a motorcycle and from hut of Sanjay Kumar.
4. It is next submitted that petitioner was not arrested



from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized motorcycle and he has no concern with Sanjay, but then he came to be implicated based on confessional statement of Sanjay in police custody which does not have any evidentiary value.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, Motihari, East Champaran in connection with Piprakothi P.S. Case No.05 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given



effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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