

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84470 of 2024

Arising Out of PS. Case No.-336 Year-2024 Thana- BAIRIYA District- West Champaran

1. Mannu Yadav @ Abhimanyu Yadav @ Munna Yadav Son of Lalu Yadav Resident of Village - Bheriharawa, P.S. - Nautan, District - West Champaran
2. Madan Mukhiya Son of Bansi Mukhiya Resident of Village - Bheriharawa, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Bairiya P.S. Case No. 336 of 2024, dated 04.10.2024, registered for the offences punishable under Section 30(a) and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per allegation, 85.860 litre of illicit liquor has been recovered from a boat belonging to the petitioner/Madan Mukhiya. As per further allegation, on raid, the petitioners were found to be fleeing from the boat wherefrom the illicit liquor has been recovered and the petitioners were identified by the



local chowkidar and villagers.

4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that though Madan Mukhiya is owner of the boat, but he is not aware who had placed the liquor in question in his boat and the boat being in open space, anybody has access to it. The petitioner/Mannu Yadav was also not at the place of occurrence. He has been implicted only on the basis of suspicion. He further submits that seizure list carries the FIR number, which shows that the whole case is manipulated, because prior to recovery, the FIR was lodged and names of the petitioners have been shown as accused.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have 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 bail petition that the petitioner no. 1 has no criminal antecedent, whereas petitioner no. 2 has one criminal antecedent.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named,



to be enlarged on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, Bettiah, District – West Champaran, in connection with Bairiya P.S. Case No. 336 of 2024, 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 petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

(Jitendra Kumar, J)

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