

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12505 of 2025

Arising Out of PS. Case No.-644 Year-2024 Thana- JAKKANPUR District- Patna

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1. Manish Kumar Yadav Son of Siko Yadav village- Haripur, Ps - Salkhua, Dist- Saharsa
 2. Raja Kumar son of Sanjay Yadav village- and Ps- Salkhua, dist- Saharsa
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-07-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in a case registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, the informant has alleged that during vehicle check, one vehicle was intercepted and two persons tried to flee, however, they were chased and apprehended and on enquiry, they disclosed their name as Manish Kumar Yadav and Raja Kumar (petitioners). It is further alleged that on search 100 pieces of bottle containing 100 ml of Wiscop cough syrup was recovered from the bag carried by petitioner no. 1 and 95 pieces of bottle of 100 ml cough syrup was recovered from the bag being carried by petitioner no. 2.



4. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in this case and no such recovery as stated has been made from the conscious possession. It has further been submitted that the recovery was made from the said vehicle and the petitioners had no concern whatsoever with the seized substance. It has lastly been submitted that the petitioner no. 1 has three criminal antecedents however not of similar nature while petitioner no. 2 has clean antecedent and both the petitioners are in custody since 18.11.2024. The learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- each in the account of Advocate Association of the Patna High Court, Patna.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that total of 19.5 litres of cough syrup containing codeing was recovered from the possession of the petitioners and hence they should not be released on bail.

6. Considering the aforesaid submissions and taking into account the period of custody, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on



bail on deposition of a sum of Rs. 5,000/- each to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds and thereafter bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jakkanpur P.S. Case No. 644 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioners. 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.

(Sourendra Pandey, J)

Raj Ranjan/-

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