

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88584 of 2024**

Arising Out of PS. Case No.-73 Year-2019 Thana- MANJHAGARH District- Gopalganj

Birbal Yadav S/O Sakaldev Yadav Resident of Village- Mirjapur, P.S.-
Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj Singh, Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Manjhagargh P.S. Case No. 73 of 2019 dated 18.03.2019 registered for the offences punishable u/ss 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 2635.20 litres of illicit foreign liquor was recovered from the Ekari field near the Gandak river.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery rather the recovery has been made from an



open place which is accessible to anyone. The petitioner has nine criminal antecedents in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 09.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gopalganj in connection with Manjhagargh P.S. Case No. 73 of 2019 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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