

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.207 of 2025

Arising Out of PS. Case No.-333 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Manoj Yadav S/o Late Ghoghay Yadav Resident of vill - Saroja Koparia Tola,
PS- Blawahat, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Bakhtiarpur P.S. Case No. 333 of 2024 registered for the offences under Sections 30(a) and 41(i) of the Bihar Excise and Prohibition (Amendment) Act, 2022.

3. As per prosecution case, police apprehended co-accused Vashisht Yadav and Pramod Yadav after recovery of foreign liquor from their truck. The liquor was concealed beneath the stone chips. The apprehended co-accused persons disclosed that the seized liquor belonged to the petitioner. Altogether recovery of 2016 litres of foreign liquor was made from the truck.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case merely on suspicion. Liquor seized by the police was not recovered from the conscious possession of this petitioner who was not apprehended from the spot. Petitioner has no concern with the truck from which recovery has been made. Even during investigation no material has come up against the petitioner. From the aforesaid facts, no offence under Bihar Excise and Prohibition Act is made out against the petitioner. Petitioner is in custody since 08.12.2024 and charge-sheet has been submitted. Petitioner is having antecedent of three cases.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner appears to be a habitual offender and is accused in three cases under Bihar Excise and Prohibition Act. At this stage, learned counsel for the petitioner submits that petitioner is on bail in all three cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of substantive material against the petitioner and also considering the period of custody of the petitioner coupled with



submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise)-II, Saharsa/concerned court in connection with Bakhtiyarpur P.S. Case No. 333 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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