

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17523 of 2020

Arising Out of PS. Case No.-39 Year-2019 Thana- THARTHARI District- Nalanda

Mithilesh Yadav, aged about 42 years (Male) Son of Mahendra Prasad @ Mahendra Yadav, Resident of village- Bhatu Bigha, P.S.- Tharthari, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-05-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioner and Mr. Binod Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Tharthari PS Case No. 39 of 2019 dated 14.03.2019 instituted under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016 and 27 of the Arms Act.



4. The allegation against the petitioner is that from his house 70 litres of country made liquor, 40 litres of spirit and two empty cartridges of .315 bore were been recovered.

5. Learned counsel for the petitioner submitted that as per the prosecution story, the police got information that he and one Dipu Yadav were firing at each other and when the police reached the spot, both had fled away and later when the police raided the house of the petitioner, seizure is said to have taken place. It was submitted that the other co-accused Dipu Yadav is the brother of the local *Choukidar* and in reality, recovery of liquor and spirit was from his house, but it has falsely been shown from the house of the petitioner. Learned counsel submitted that though he is accused in four other cases, but there has been no actual recovery and only on suspicion, he has been made accused and in all the other four cases, he is on bail. Learned counsel submitted that the petitioner is in custody since 13.01.2020.

6. Learned APP submitted that from the house of the petitioner, there has been recovery and he was also involved in manufacturing of liquor and has criminal antecedent.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District and Sessions Judge-cum-Special Judge, Excise, Nalanda at Biharsharif in Tharthari PS Case No. 39 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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