

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2645 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- KHAGARIA District- Khagaria

MITHU YADAV @ MITHLESH YADAV S/o Sri Raja Ram Yadav R/o
village- Kumar Chakki, P.S.- Mufassil, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-03-2021 Heard Mr. Sanjay Kumar Singh, learned counsel for
the petitioner and Mr. Akshay Lal Pandit, learned Additional
Public Prosecutor appearing for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Khagaria (Mufassil) P.S. Case No. 401 of 2020 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The allegation as per the First Information Report is
that the Police got secret information that the petitioner has
brought consignment of liquor and has kept near his vestibule
(*Dalan*), proceeded towards the place of occurrence and upon
seeing the Police party, the petitioner succeeded in fleeing away.
However, the Police recovered 639 litres of illicit liquor from



vestibule (*Dalan*) of the petitioner.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case by the Police with oblique motive. Learned counsel further submits that from perusal of the First Information Report and the seizure list, it would be evident that the illicit liquor has been recovered from the vestibule (*Dalan*) of the petitioner which is an open space and accessible to all and sundry. Learned counsel also submits that the petitioner is in custody since 11.09.2020 and the charge sheet has already been submitted in the matter.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent and he is in custody since 11.09.2020 as well as charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act), Khagaria, in connection with Khagaria (Mufassil) P.S. Case No. 401 of



2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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