

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7194 of 2021**

Arising Out of PS. Case No.-106 Year-2020 Thana- ASANWA District- Siwan

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MANTOSH KUMAR YADAV SON OF SITARAM YADAV R/O VILLAGE-
SINGHPUR, P.S.- ASAON, DISTRICT- SIWAN.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Adv

For the Opposite Party/s : Mr Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Asaon P.S. Case No. 106 of 2020 registered for the offences punishable under Sections 272, 273, 308 of the Indian Penal Code and 30(A)/38 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the informant on secret information reached at the house of the petitioner where on seeing the police he started fleeing but on chase he was apprehended. On search the informant recovered total 100 liters of illicit liquor from a place situated on the distance of 30 feet in front of the house of this petitioner.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 23.8.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the recovery of illicit liquor has been made from a place situated at a distance of 30 feet in front of the house of the petitioner and for that reason the petitioner has been made accused only because he has one criminal antecedent, the petitioner is in custody in connection with the present case since 23.08.2020, in the earlier case he is on bail, at this stage the investigation of this case is over, his further incarceration is not likely to come in aid of investigation or prosecution and there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge II-cum-Special Judge (Excise), Siwan in connection with Asaon P.S. Case No. 106 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

