

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1982 of 2022

Arising Out of PS. Case No.-26 Year-2019 Thana- ROSHANGANJ District- Gaya

MITHILESH YADAV S/o Deocharan Yadav @ Nageshwar Yadav R/o
village- Delho, P.S.- Raushanganj (Bankey Bazar), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan,Adv

For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections Sections 272,273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 250 liters of country made liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that it



appears from the FIR as well as seizure list that 250 liters of illegal country made liquor was recovered from Bhathi which is outside the village i.e. the forest area. He further submits that there is violation of Section 100 Cr.P.C. and the similarly situated co-accused persons, namely, Manoj Yadav and others have been granted privilege of anticipatory bail vide order dated 28-03-2019 in Cr. Misc. No.18936 of 2019 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 18.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Raushanganj (Banke Bazar) Police Station Case No. 26 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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