

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5758 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

Mantu Yadav @ Mintu Yadav, S/o Suresh Yadav, R/o Village and Post- Mauza
Makariyar, P.S.- Dhanauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Dhananjay Kumar Shahi, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Siwan Muffasil P.S. Case No. 294 of 2021
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that while the
police was on patrolling duty, they intercepted a Scorpio
vehicle. On noticing the police party, who was driving the
vehicle succeeded in fleeing away, however, the petitioner has



been identified by the police party. On search total 270 liters Banti-Babli liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, however, only on account of past criminal antecedent, his name has been implicated in this case. Learned counsel for the petitioner has drawn the attention of this Court towards paragraph nos. 7 to 10 of the bail petition as to how he has been implicated in all those cases, mentioned in para. 3 of the bail application, at the hands of one Vinod Kumar Singh, who happens to be the SHO, Siwan (Muffasil). It is lastly submitted that the petitioner has neither any concern with the alleged vehicle or with the alleged seized liquor.

On the other hand, learned counsel for the state vehemently oppose the bail application and submits that the petitioner has been identified while he was fleeing from the vehicle and moreover he has multiple criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and he has been



remanded in this case on 01.12.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Siwan in connection with Siwan Muffasil P.S. Case No. 294 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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