

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3910 of 2022**

Arising Out of PS. Case No.-435 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

Mintu Yadav @ Mantu Yadav, S/o Suresh Yadav, R/o village and Post- Mauza
Makariyar, P.S.- Dhanauti, 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 : Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Siwan Muffasil P.S. Case No. 435 of 2021 registered for the alleged offences under Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, police received secret information about petitioner supplying illicit liquor to co-accused for sale. A raid was conducted at the identified place and a vehicle was found parked and as alleged the petitioner and co-accused persons fled away from the spot. Recovery of 270



litres of country made liquor was made from the vehicle.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case by the informant due to his previous enmity with the petitioner. Informant has lodged a number of cases while he was SHO of two police stations against this petitioner and mother of the petitioner has made a complaint to the Superintendent of Police against him. When the complaint was made, the informant further registered four cases against this petitioner. Learned counsel further submits that the same story is being repeated in all cases that some recovery was made and the petitioner fled away from the spot. Though the informant has alleged that the vehicle from which the recovery has been made belongs to this petitioner, but this is not true and vehicle does not belong to this petitioner. Nothing incriminating has been recovered from conscious possession of this petitioner who was not apprehended from the spot. The petitioner has been remanded in this case on 03.12.2021 and charge-sheet has been submitted. Co-accused Jitendra Manjhi has been granted bail by this Court vide order dated 22.07.2022 in Cr. Misc. No. 18948 of 2022.

Learned APP opposes the prayer for bail submitting



that the petitioner is a habitual offender and had been involved in smuggling of illicit liquor.

Having regard to the submissions made hereinabove and considering the fact that nothing has been recovered from his conscious possession and petitioner was not arrested from the spot and further considering the submission of charge-sheet along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge Excise, Siwan in connection with Siwan Muffasil P.S. Case No. 435 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Kismati Devi, mother of the petitioner, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.



(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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