

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9324 of 2022

Arising Out of PS. Case No.-417 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

MINTU YADAV @ MANTU YADAV Son of Suresh Yadav Resident of
Village - and P.O.- Mauza Makariyar, P.s.- Siwan Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect(s), if any, as pointed out by the office be removed within 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. 417 of 2021 registered for the alleged offences under Section 30 (a), 38(i) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that police received information about petitioner and co-accused bringing a huge consignment of illicit liquor from U.P. to Bihar and a vehicle was intercepted and 938 liters of illicit country made liquor was recovered.

Learned counsel for the petitioner submits petitioner is



innocent. Petitioner has been falsely implicated by the SHO, Muffasil P.S. Siwan. Mother of the petitioner made a complaint to the S.P. Siwan against SHO and after filing of this complaint petition, four more FIR have been lodged by the SHO against this petitioner and he is himself the informant in both cases. Earlier also the SHO who was then posted at Merwa police station lodged FIR against this petitioner and in one such case the petitioner was acquitted by the learned court below. In this way, altogether 11 cases have been filed against this petitioner. Same story has been made in all the cases that petitioner managed to escape from place of occurrence. The recovery of 938 liters of country made liquor was made from the vehicle seized which is owned by one Sunil Kumar as has been admitted by the informant in FIR itself. The petitioner has nothing to do the vehicle or the recovery. The petitioner cannot be made accused without any evidence only on the basis of the fact that he is said to have passed from there on motorcycle without any evidence and merely on suspicion. The petitioner is in custody since 22.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and charge sheet has been submitted in this case and



further considering the period of 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 & Sessions Judge -II- cum-Special Judge Excise, Siwan in connection with Siwan Muffasil P.S. Case No. 417 of 2021, subject to the 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 a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for 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)

Gautam/-

U		T	
---	--	---	--

