

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11788 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MIRGANJ District- Gopalganj

MITHUN YADAV S/o Bharat Chaudhary R/o village- Harkhauli Purab Tola,
P.S.- Mirganj, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mirganj P.S. Case No. 13 of 2022 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 186.200 Litre of country made illegal liquor from the house
of present petitioner Mithun Yadav and he is apprehended on
spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 10.01.2022. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel further submits that the house from which the liquor in question was alleged to be recovered is not a exclusive possession of the petitioner rather the same is a joint family property. It has been specifically submitted that the said place of recovery is a sitting place for visitors and villagers and same is open and which is accessible to all. Seizure list has not been made as per law showing complete violation of Section 100 of Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Special Judge, Excise, Gopalganj in connection with Mirganj P.S. Case No. 13 of 2022, subject to following



conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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