

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12085 of 2022**

Arising Out of PS. Case No.-260 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

=====

MINTU @ MANTU YADAV Son of Suresh Yadav Resident of Village-
Makariyar, P.S.- Dhanauti, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kumari Anupam
For the Opposite Party/s : Mr.Atul Chandra

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 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 in virtual court proceeding.

The petitioner seeks bail in connection with Excise
Case No. C-III-260/21 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution report, there is alleged recovery
of 184.515 litre illegal foreign liquor from the husk beside the
house of co-accused Mahatam Manjhi. It is alleged that present
petitioner and co-accused Mahatam Manjhi deals in illegal
liquor jointly. It is further alleged that petitioner and co-accused
fled away from the spot.



Learned counsel for the petitioner submits that petitioner has been remanded in the present case from Siwan Muffasil P.S. Case No. 491 of 2021 on 10.12.2021 and since then he is in custody in the present case. Petitioner bears criminal antecedent of three cases of similar nature in which he is on bail. Prosecution report has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner.

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

Considering the facts and circumstances of the case, period of custody, prosecution report has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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 Sessions Judge 2nd cum Special Judge, Siwan in connection with Excise Case No. C-III-260/2021, 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)

shahzad/-

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

