

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21987 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- GUTHANI District- Siwan

Mintu Yadav @ Mantu Yadav @ Mantu Kumar Son of Suresh Yadav R/O
Village- Makariar, P.S.- Dhanauti O.P., District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-07-2022 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 Guthani
P.S. Case No. 118/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
total 1117.800 liters country made and english wine from Bolero
vehicle in question. Petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR, but during course
of investigation the name of present petitioner has transpired



with allegation that he was using Bolero vehicle in question bearing Registration No. BR29PA-4881 imposing himself as Rishi Yadav instead of present petitioner, Mintu Yadav. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Petitioner was neither driver nor owner of the said vehicle in question. The petitioner is languishing in custody since 08.06.2021 and bears criminal antecedent of 13 cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, 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 **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Siwan in connection with Guthani P.S. Case No. 118/2021, 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 without appropriate permission, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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