

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24033 of 2022**

Arising Out of PS. Case No.-367 Year-2021 Thana- MADANPUR District- Aurangabad

Mithilesh Yadav @ Gorelal Yadav Son of Tripurari Yadav Resident of Village
- Gewal Bigha, P.S.- Madanpur, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 17-08-2022 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
G.R. No. 1683 of 2021 arising out of Madanpur P.S. Case No.
367 of 2021 lodged under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The prosecution story is that, the recovery of 439
bottles of liquor, each contain 300 ml., the total is 131.700 liters
of local wine has been made.

Learned counsel for the petitioner submits that
nothing was recovered from his conscious possession, rather it
was recovered from the open field of Kamlesh Yadav. The

petitioner has nothing to do with Kamlesh Yadav. He further submits that petitioner is in custody since 14.03.2022, chargesheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions as laid down by the Court.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court Special Judge, Excise-I, Aurangabad in connection with G.R. No. 1683 of 2021 arising out of Madanpur P.S. Case No. 367 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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