

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24244 of 2022

Arising Out of PS. Case No.-394 Year-2021 Thana- PAROO District- Muzaffarpur

MITHLESH KUMAR YADAV @ MITHILESH KUMAR YADAV SON OF
DINANATH PRASAD YADAV R/O VILLAGE- CHHAPRA AAS, P.S.-
PAROO, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 Paroo
P.S. Case No. 394 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 81 litres foreign liquor from the car in question and 123.45
litres from the garden of Mithlesh Kumar (petitioner). It is
further alleged that villagers told the name of petitioner and
others who fled away from place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.01.2022. Petitioner bears criminal antecedent of three cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. The petitioner is not the owner of the alleged car. The petitioner has no concern with the co-accused persons. The F.I.R. lodged on 07.10.2021 and the petitioner was apprehended on 17.01.2022 meaning thereby the petitioner was not apprehended on spot.

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, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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 Special Judge (Excise), Court No. - II, Muzaffarpur in connection with Paroo P.S. Case No. 394 of



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.

(Alok Kumar Pandey, J)

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