

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25897 of 2022

Arising Out of PS. Case No.-299 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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Paroo P.S.

Case No. 299 of 2021 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.01.2022.

The allegation against the petitioner is to run away
from the place of occurrence, where 202.59 liters of illicit
foreign liquor was recovered from an abandoned vehicle parked
in bamboo clump.

Learned counsel appearing on behalf of the petitioner



submitted that recovery was made from an abandoned vehicle parked in an open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged vehicle. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery was made from an abandoned vehicle.

Considering the facts and circumstances as mentioned above, as recovery was made from an abandoned vehicle parked in the open place coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Paroo P.S. Case No. 299 of 2021 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/concerned Court, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Dinanath Ray @ Dinanath Prasad Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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