

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25975 of 2022**

Arising Out of PS. Case No.-341 Year-2021 Thana- MADANPUR District- Aurangabad

MITHILESH YADAV @ GORELAL YADAV SON OF TRIPURARI
YADAV R/O 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, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with G.R.
No. 1596 of 2021 arising out of Madanpur P.S. Case No. 341 of
2021 instituted under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation in the FIR is that on secret information,
police reached the place where 155.8 liter of countrymade wine
was recovered/seized. Accordingly, the seizure was prepared
and the petitioner has been taken into custody.



Learned counsel for the petitioner submits that the alleged recovery/seizure of 155.8 liter of countrymade liquor has been made from the rice wood Garden in Shivganj Cattle Fair which is a common place and certainly not a private place for which the petitioner has been implicated. He further submits that nothing was recovered from his conscious possession nor he was present at the spot but the local people due to village politics have named him as the accused who escaped from the place which resulted into him being in judicial custody since 07.02.2022 (as stated in paragraph-10 of the bail application).

Considering the fact that the recovery/seizure is from an open place, nothing has been recovered/seized from the possession of the petitioner as also the fact that he is in custody since 07.02.2022 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Court Special Judge, Excise-I, Aurangabad in connection with Madanpur P.S. Case No. 341 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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