

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43058 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- ANDHRAMATH District- Madhubani

1. MITHILESH KUMAR YADAV S/O SITAL YADAV R/O VILLAGE-CHHITAH, P.S-ANDHRAMATH, DISTRICT-MADHUBANI.
2. MD. MANNAN S/O SABIR R/O VILLAGE-GATHIA, P.S-ANDHRAMATH, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners who are in custody since 18.06.2021 seek regular bail in connection with Andhramath P.S. Case No. 67 of 2021 corresponding to G.R. No. 1028 o 2021 registered for offence punishable under Sections 272, 273, 414 of the I.P.C and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case in brief is that altogether 712 litres 500 ml of Nepali illicit liquor was recovered by the naka party



from Tata Safari car bearing Registration No. MH43-R-3528 near village- Bhaarphor, District- Madhubani.

Learned counsel appearing on behalf of the petitioners submits that nothing has been recovered from the conscious possession of the petitioners and they have falsely been implicated in this case. He further submits that the alleged Tata Safari car is of some other person and the owner of the said car has not been verified by the raiding team from the concerned D.T.O. and thus, the petitioners have been made accused for no offence committed on their part. He further submits that petitioners are sole bread earner of their family and they earn livelihood by doing labour as a daily wager.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and the petitioners having no criminal antecedent as well as nothing having been recovered from their conscious possession, the petitioners are directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II cum Special Judge, Excise Act, Madhubani in connection with Andhramath P.S. Case No. 67 of 2021 corresponding to G.R. No. 1028 o 2021



subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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