

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33324 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- MADANPUR District- Aurangabad

MITHILESH KUMAR YADAV @ MITHLESH YADAV S/o Jagnarayan
Singh R/o village- Tikadhar Bigha, Hathikhap, P.S.- Jamhore, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Madanpur P.S. Case No. 178 of 2022 registered for the offences
punishable under Section 30(a) of the Bihar Excise Prohibition
and Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 256.50 litre illicit country made liquor from the car in
question. It is alleged that seeing the police team, petitioner and
others started fleeing but petitioner was apprehended on chase.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.04.2022 and bears criminal antecedent of three cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing incriminating article has been recovered from conscious possession of the petitioner rather the alleged recovery has been made from car in question and petitioner is not owner of the said car. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case 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, 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-1, Aurangabad in connection with Madanpur P.S. Case No. 178 of 2022, 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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