

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56995 of 2021

Arising Out of PS. Case No.-179 Year-2021 Thana- AMAS District- Gaya

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MITHILESH YADAV S/o Deocharan Yadav @ Nageshwar Yadav R/o
village- Delho, P.S.- Raushanganj (Bankey Bazar), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with Amas
P.S. Case No. 179 / 2021 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition & Excise
Amendment Act, 2018.

The prosecution case as per the First Information
Report is that the Police intercepted the Motorcycle of the
petitioner and recovered 10 litres country made liquor and one
plastic drum having capacity of 200 litres.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case by the Police
with oblique motive. Learned counsel further submits that
during seizure procedures prescribed under Section 100 of the
Cr.P.C. and the Excise Act have not been followed. Learned



counsel next submits that similarly situated co-accused / Lala Yadav @ Lal Babu Yadav has been granted privilege of bail by this Court in Cr. Misc. No. 52805 of 2021. The petitioner is in custody since 17.07.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties, taking into consideration the materials on record, the fact that the petitioner is in custody since 17-07-2021, charge sheet has already been submitted, there is no likelihood that the petitioner will abscond or tamper with the evidence and similarly situated co-accused has been granted bail by this Court, as such, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - IInd -cum-Special Judge, Excise Act, Gaya in connection with Amas P.S. Case No. 179 of 2021.

praful/-

(Anil Kumar Sinha, J)

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