

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47413 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- RANIYATALAB District- Patna

Mithilesh Yadav, S/o Lalbihari Yadav, Resident of Village- Berar Tola, P.S.-
Rani Talab, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parashuram Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-11-2022 Today, an affidavited copy of the bail petition has

been filed by the petitioner in the Court, which is taken on

record.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Special Excise Case No. 5165 of 2021, arising
out of Rani Talab P.S. Case No. 160 of 2021 registered for the
alleged offences under Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of 125 liters of
illicit liquor was made from the joint house of the petitioner and



30 liters of illicit liquor was made from a trailer loaded with sand allegedly belonging to this petitioner. The co-accused persons and the petitioner are stated to have fled away. However, the village *Chaukidar* named the co-accused persons and the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the recovered liquor. The charge sheet has been submitted in this case. The petitioner is in custody since 10.05.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise,



Danapur at Patna, in connection with Special Excise Case No. 5170 of 2021, arising out of Rani Talab P.S. Case No. 161 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

U		T	
---	--	---	--

(Arun Kumar Jha, J)

