

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69745 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- JOGAPATTI District- West Champaran

MINTU YADAV @ MANTU YADAV S/o Ramakant Yadav @ Ramashnakar
Yadav Resident of Village - Harpur, Bhujouna, P.s. Nadi, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjali Kumari, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 18-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Ms. Anjali Kumari, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Yogapatti P. S. Case No. 37 of 2021
registered for the offences punishable under Sections 30 (a), 30
(D), 33, 34 and 36 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police, on a secret information, raided the house of Nagendra



Yadav, who is allegedly used to manufacture and sell liquor. It is further alleged that on search, total 54 litres of spirit kept in 120 pieces of bottles were recovered from the house of Nagendra Yadav.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession. It is further submitted that the name of the petitioner has been surfaced on the confessional statement of co-accused person. It is next submitted that save and except the confessional statement, there is no other material, which suggests the complicity of the petitioner in the present crime. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in all such kind of cases, which shows high-handedness of the police. It is lastly submitted that the petitioner is in custody since 31.07.2021 and after completion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is found involved in 14 other criminal cases. In response to the aforesaid submissions,



learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of co-accused and moreover, nothing has been recovered from his person or possession and he is in custody since 31.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Yogapatti P. S. Case No. 37 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will
liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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