

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71237 of 2021**

Arising Out of PS. Case No.-345 Year-2021 Thana- ALOULI District- Khagaria

Mithilesh Yadav S/O Vinod Yadav R/o village- Parari, P.S.- Bithan, District-
Samastipur

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Alauli P.S.
Case No. 345 of 2021 registered for the offences punishable
under Sections 30(a), 30(b), 30(c) of the Bihar Prohibition and
Excise Act, 2018.

Recovery is of 30 liters of country made liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence
and he has falsely been implicated in the present case only on



the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from Orchard of Basbiti (Bamboo clamp). He further submits that the allegation against the petitioner is that 30 liters of wine has been recovered in 2 plastic gallon alongwith the other articles from a lonely place in the field of bamboo clamp which is not belongs to the petitioner. The petitioner is in custody since 19.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Khagaria in connection with Alauli P.S. Case No. 345 of 2021, corresponding to G.R. No. 3020 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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