

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61709 of 2022

Arising Out of PS. Case No.-343 Year-2021 Thana- RANIGANJ District- Araria

Mithu Yadav Son of Late Parmanand Yadav @ Parmanand Singh Resident of
village - Barbanna, Diwan Tola, P.S. - Raniganj, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Raniganj P.S. Case No. 343 of 2021 corresponding to Spl.
Case No. 553 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation, a total of 132 liters of Indian
made foreign liquor has been recovered from a white Scorpio
bearing Registration No. BR-11M-2200.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case due to village politics. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that co-accused, namely, Alok Kumar Yadav, Tarun Yadav and Rabin Yadav have been enlarged on bail by the co-ordinate Benches of this Court vide order dated 11.02.2022, 26.07.2022 and 08.08.2022, passed in Cr. Misc. No. 4736 of 2022, Cr. Misc. No. 17829 of 2022, and Cr. Misc. No. 26032 of 2022 respectively.

The petitioner has been languishing in jail since 14.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail vide Cr. Misc. No.9090 of 2022.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in Raniganj P.S. Case No. 40 of 2022.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Judge-Excise-I, Araria in connection with Raniganj P.S. Case No. 343 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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