

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62930 of 2023

Arising Out of PS. Case No.-712 Year-2023 Thana- BARACHATTI District- Gaya

Mithlesh @ Mithlesh Yadav @ Mithlesh Kumar Yadav Son Of Dukhi Ram
Yadav Resident Of Village - Mukundpur, P.S. - Labhua, District - Sultanpur,
U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Barachatti P.S. Case No.712 of 2023, lodged on 28.07.2023,
under Sections 467/468 of the Indian Penal Code and Sections
30(a)/33 of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. As per the prosecution, FIR has been lodged against
four named accused persons including the present petitioner.
The total recovery of 4899.75 liters of Indian made foreign
liquor has been the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that petitioner is alleged to be the driver of the truck of which the said recovery has been made. Counsel submits that the petitioner is in custody since 29.07.2023. Counsel submits that he is completely innocent due to reason that he was unaware that what was loaded in the truck. Counsel submits that charge sheet has already been submitted in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that huge quantity of wine has been recovered.

6. Considering the facts and circumstances of this case, let the petitioner, above named, be granted bail **on payment of Rs. 75,000/- (rupees seventy-five thousand only) in the Patna High Court Legal Services Committee** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, Gaya, in connection with Barachatti P.S. Case No.712 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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