

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61478 of 2022**

Arising Out of PS. Case No.-206 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Mithilesh Yadav @ Mithlesh Yadav, aged about 20 years, Male, Son of Subhash Yadav @ Subash Yadav @ Subash Singh Yadav Resident of village - Bardiha, P.S.- Chainpur, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      06-01-2023      This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Chainpur P.S. Case No. 206 of 2022 registered for the offences punishable under Section 30(A)/30(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018, & 3/4 of Bihar Mahua Flower Act.

145 (one hundred & forty five) litres of country made illicit liquor and 15,000 litres (fifteen thousand litres) of ‘mahua’ flower has been recovered. Petitioner’s name has emerged because local persons have named the petitioner as being the person who was carrying on manufacturing of illicit liquor.

Learned counsel for the petitioner submits that recovery, as per prosecution case, is from an open place accessible to all, for which petitioner cannot be held responsible. He has been named because he has an antecedent in Chainpur P.S. Case No. 164 of 2021. He is in custody since 30.08.2022. There is no recovery of any illicit



liquor from the petitioner's possession.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 court of Special Judge Excise No. 1 cum ADJ-IV, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 206 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

rajkishore/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

