

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66738 of 2022**

Arising Out of PS. Case No.-40 Year-2022 Thana- RANIGANJ District- Araria

Mithu Yadav Son Of Late Parmanand Yadav @ Parmanand Singh R/V-  
Barbanna, Diwan Tola, P.S.- Raniganj, District- 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. Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      03-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with  
Raniganj P.S. Case No. 40 of 2022, registered for the  
offences punishable under Section 30(a) of the Bihar  
Prohibition and Excise Act, 2016.

As per allegation about 286 liters of foreign liquor  
has been recovered from a motorcycle bearing Registration  
no. BR-50-2652.

Ld. counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that other co-accused, namely, Tarun Kumar has already been enlarged on bail vide order dated 17.05.2022 passed in Cr. Misc. No. 15872 of 2022.

He further submits that the petitioner has been languishing in jail since 21.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. Exclusive Special Judge Excise-I, Araria in connection with Raniganj



P.S. Case No. 40 of 2022 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 antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. 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)**

ramesh/-

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